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NEW YORK STATE CONSTITUTION ANNOTATED

PART I

Text in Force April 6, 1915, with Notes

PART II

Amendments Adopted and Proposed, 1895-1914

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**The New York State
Constitutional Convention Commission
1915**

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TO THE
New York State
Constitutional Convention
1915

BY THE
New York State
Constitutional Convention
Commission

(Established by Laws of 1914, Chapter 261, to collect, compile
and print information and data for the Constitutional Convention of 1915)

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INTRODUCTORY NOTE

This publication consists of two parts, each part being separately paged and having a separate table of contents and index. Part I contains the complete text of the New York State Constitution as amended and in force on April 6, 1915, with notes, the nature and scope of which are explained below. Part II contains the text of all amendments to the Constitution proposed in the Legislature from 1895 to 1914, inclusive, including those adopted by the people, those submitted to the people but rejected, and those not submitted to the people. The object and scope of Part II are more fully explained in a separate introductory note following the title page to that part.

The object of the notes in Part I is to throw light on the origin and on the historical basis and development of the provisions of the present Constitution. It was obviously impossible, in the short space of time available for the preparation of this work, to cover this field in any exhaustive way. To do that would have necessitated the long and careful examination of a great mass of material, much of it scattered. For the purposes of this work it was necessary to limit this examination strictly to certain material only, and under the circumstances the best selection seemed to be the work by the Hon. Charles Z. Lincoln on the Constitutional History of New York¹ and the debates of the past constitutional conventions in this State.

Mr. Lincoln was a delegate to the Constitutional Convention of 1894, and from 1895 to 1900 was the chairman of the Statutory Revision Commission and legal adviser to the Governor. His

¹ Published in five volumes in 1906 by the Lawyers Co-operative Publishing Co., Rochester, N. Y.

Another work of substantial value to the delegates to the Constitutional Convention of 1915 is the Constitutional History of New York State from the Colonial Period to the Present Time, by the Hon. J. Hampden Dougherty. This work comprises the second volume of the Legal and Judicial History of New York published in three volumes in 1911, under the editorship of the Hon. Alden Chester, by the National Americana Society, New York. It gives an excellent, though necessarily somewhat concise, history of the past constitutional conventions and commissions in this State, and is often most helpful in throwing light on the origin and forces back of the more important changes which have been made from time to time in the Constitution of this State.

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work is the most comprehensive history yet published of the origin, development and judicial construction of the Constitution of the State, including the history of the past constitutional conventions and commissions. The Constitutional Convention Commission has supplied this work to each delegate to the Constitutional Convention of 1915.

In order that certain references in the notes to Part I may be understood, it is necessary to refer briefly to the past constitutional conventions and commissions in this State.

The Constitution of 1777 was framed, adopted and put in operation by the Fourth Provincial Congress. The journal of this Congress which as a part, and a part only, of its functions, acted as the first Constitutional Convention in this State, was printed from the original manuscript for the first time by the State in 1842; but unfortunately there is nothing giving the debates of this body, and even the journal entries relating to the work of the Congress as a Constitutional Convention are scattered among the entries relating to the other functions of the Congress. For this reason the references in Part I to the Convention of 1777 are necessarily confined to the parts of Mr. Lincoln's work giving the history of that Convention.

While the journal of the Constitutional Convention of 1801 was printed (first in 1801, and then reprinted in 1821 for the use of the Convention held in the latter year), no debates were ever published, and therefore the references in Part I to this Convention are also only to Mr. Lincoln's work.

There are, however, printed debates as well as journals for the Constitutional Conventions of 1821, 1846, 1867-68 and 1894.

The debates of the 1821 Convention are found in two publications. One was edited by Nathaniel H. Carter and William L. Stone, reporters, and Marcus T. C. Gould, stenographer, and published in one volume in Albany in 1821. The other was edited by L. H. Clarke and published in one volume in New York in 1821. As the Carter, Stone and Gould edition seems to be the more comprehensive of the two, this is the edition to which reference is made in the notes; but in order to permit of the use of the Clarke edition and partly also in order to get the benefit of matter appearing only in this edition (if there is any), the page references to the edition first referred to are followed in parentheses by the Convention dates.

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Similarly, the debates of the 1846 Convention are found in two publications. One was edited by William G. Bishop and William H. Attree, and printed in one volume at the office of the Evening Atlas, Albany, 1846. This edition is sometimes called the Bishop and Attree edition, and sometimes the Atlas edition. The other publication was edited by S. Crosswell and R. Sutton, and printed in one volume at the office of the Albany Argus in 1846. This edition is sometimes called the Crosswell and Sutton edition, and sometimes the Argus edition. There seems to be no general agreement as to which edition is the better, but as the time limitation on the preparation of the present publication forbade reference to both editions, and as the Atlas edition seems to contain slightly more matter than the Argus edition, the former edition is the one to which reference is made in the notes; but for the reasons already stated in explaining the two publications of the 1821 debates, the page references to the Atlas edition are followed in parentheses by the Convention dates.

As the debates of the 1867-68 Convention were published only in one edition (in five volumes in 1868), there is no occasion for any parallel reference.

The debates of the 1894 Convention are found in two publications, each called the Record. The original Record was published from day to day during the course of the Convention, and was subsequently bound in six large but thin quarto volumes. The Record of this Convention was revised by the Hon. William H. Steele, vice-president of the Convention, pursuant to chapter 21 of the Laws of 1898, and published in 1900 in five volumes under the direction of the Hon. Charles E. Fitch, secretary of the Convention, pursuant to chapter 419 of the Laws of 1900. The debates of the 1894 Convention are obviously of more importance to the Constitutional Convention of 1915 than the debates of the earlier conventions, and for the purpose of making them as available as possible to the delegates to the latter Convention, reference is made in the notes to Part I of the present publication both to the original edition and to the Revised Record. The references first given are to the volume and page of the Revised Record; the references in parentheses are to the original Record.

In addition to the Constitutional Conventions above referred to, there have been in this State two very important constitu-

Text in force April 6, 1915, with notes

tional commissions established for the purpose of recommending constitutional amendments to the Legislature. The first was created by chapter 884 of the Laws of 1872 and is customarily referred to as the Constitutional Commission of 1872. As its functions were extended by chapter 6 of the Laws of 1873, it had power to suggest amendments to any part of the Constitution. The second was created by chapter 189 of the Laws of 1890, and as its powers were limited to proposing amendments to Article VI of the Constitution, it is generally known as the Judiciary Commission of 1890. While both these bodies published journals of their proceedings, unfortunately their debates were never printed. Consequently the references to these commissions in the notes to Part I of the present work are necessarily confined to the parts of Mr. Lincoln's work dealing with them.

Volume 1 of Mr. Lincoln's work gives the full text of the Constitutions of 1777, 1821, 1846, 1867 (of which only the Judiciary Article was adopted by the people) and 1894, and also the amendments to all these constitutions adopted by the people down to 1904, and Part II of the present work gives (among other things) all the amendments to the 1894 Constitution adopted by the people down to date. All the constitutional provisions referred to in the source notes to the sections of the present Constitution, as given in Part I of the present work, can therefore be found in full either in Mr. Lincoln's work or in Part II of the present work.

The amendments to the Constitution proposed in the Constitutional Convention of 1894 were subsequently bound in three volumes entitled on the outside "Proposed Constitutional Amendments."² These proposed amendments are designated in the Revised Record of this Convention as overtures, and are referred to by introductory and print numbers, following the legislative practice as to bills. The notes to Part I of the present work give references to those overtures which proposed changes in provisions now in the present Constitution either in whole or in part, and also indicate where in Part II of the present work

² There are no title pages to these volumes and no complete index. Any particular proposed amendment can be located only by means of its introductory or print number. The daily calendars of the 1894 Convention will be found in the latter part of the third volume.

Text in force April 6, 1915, with notes

can be found the amendments to the 1894 Constitution proposed in the Legislature from 1895 to 1914, inclusive.

In examining Mr. Lincoln's work and the debates of Constitutional Conventions, it is of course obvious that references were found to many matters not dealt with at all in the Constitution as it exists to-day, or dealt with only indirectly, and also to many matters which, although having some relation, more or less close, to existing provisions, could not be assigned to any particular section of the present Constitution. The limitations of time for the preparation of this work prevented the full treatment of these matters, but the more important of them will be found referred to on pages 129-149 of Part I of the present work under the designation Supplemental Notes. In examining the Supplemental Notes, it must always be borne in mind that from their very nature they are seldom, if ever, exhaustive. They simply gather together fragmentary references which could not be properly, or at least conveniently, assigned to any place in the text preceding them. They are often, however, supplemented by other references found in the notes to the sections of the Constitution.

Where there is more than one volume in any of the publications mentioned in the notes in Part I of the present work, the particular volume referred to is indicated by Roman notation and the pages by Arabic notation. Thus, I:240-246, is a reference to volume 1 at pages 240-246.

F. D. C.

NEW YORK STATE CONSTITUTION ANNOTATED

PART I

TEXT IN FORCE APRIL 6, 1915, WITH NOTES

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NEW YORK STATE CONSTITUTION ANNOTATED

PART I

TEXT IN FORCE APRIL 6, 1915, WITH NOTES

NEW YORK STATE CONSTITUTION ANNOTATED

PART I

TEXT IN FORCE APRIL 6, 1915, WITH NOTES¹

PREAMBLE

- 1 We, the people of the State of New York, grateful to
- 2 Almighty God for our freedom, in order to secure its bless-
- 3 ings, do establish this Constitution.

Source

Const. 1821; amended, Const. 1846.

Lincoln's Constitutional History

For historical comment on the preamble to the New York Constitution, and for general discussion of the nature of a constitution, its purpose and the principles governing its construction, with notes on court decisions, see IV:3-39.

References to constitutional conventions.

1867. II:289. 1894. III:66.

Debates of constitutional conventions

1867. V:3234-3239.

1894. I:1037-1052 (II:545-552); IV:1099-1101 (VI:2593-2594).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overture No. 170. See also Overture No. 104.

ARTICLE I²

- 1 Section 1. No member of this State shall be disfranchised, or
- 2 deprived of any of the rights or privileges secured to any citi-

Security in
rights and
privileges

¹ For explanation of the purpose and plan of Part I of this work, and of the references in the notes, see introductory note.

² For a history of the origin and development of the constitutional and statutory provisions which constitute the bill of rights in this state, down to 1905, see Lincoln's Constitutional History, I:715-743. Most of the constitu-

Article I, § 2

3 zen thereof, unless by the law of the land, or the judgment of
4 his peers.

Source

Const. 1777, Art. XIII; amended, Const. 1821, Art. VII, § 1; continued without change in Const. 1846, Art. I, § 1.

Lincoln's Constitutional History

For comment on this section and court decisions construing it, see IV: 30-38.

References to constitutional conventions.

1777. I: 522. 1846. II: 109-110. 1867. II: 293-294.

Debates of constitutional conventions

1846. 453 (July 28); 537-543 (Aug. 6-7).

1867. V: 3530-3531, 3557-3558.

Trial by
jury

1 § 2. The trial by jury in all cases in which it has been here-
2 tofore used shall remain inviolate forever; but a jury trial
3 may be waived by the parties in all civil cases in the manner
4 to be prescribed by law.

Source

Const. 1777, Art. XLI; amended, Const. 1821, Art. VII, § 2; amended, Const. 1846, Art. I, § 2.

Lincoln's Constitutional History

For history of this section and court decisions construing it, see IV: 38-54.

References to constitutional conventions and commissions.

1777. I: 547. 1846. II: 110. 1867. II: 290-291. 1872. II: 474.

1894. III: 67-68.

Debates of constitutional conventions

1821. 169 (Sept. 17).

1846. 543-550 (Aug. 7-8); selection, 111-112 (June 17).

1867. I: 265-266; V: 3552; compensation of jurors, V: 3263-3264; number of jurors, V: 3239.

1894. Substitute jurors, I: 778-781 (I: 407-408); unanimity of verdict, I: 761-778 (I: 397-407), I: 781-802 (I: 408-419).

tional provisions are found in this article; for the existing statutory provisions, see the civil rights law, Laws 1909, chapter 14, constituting chapter 6 of the consolidated laws.

For references to certain subjects coming within the general scope of Article I but not relating specifically to any particular section thereof, see Supplemental Notes following Article XV, post, under the following titles: Aliens, Civil process, Fisheries, Imprisonment, Intoxicating liquors, Labor, Remedies, Riot, Test oath, Slavery, Treason, and Women.

Article I, § 4

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 7, 17, 28, 36, 53, 75, 185 (Int. 184).

In the legislature, 1895-1914: see Part II, post, pp. 1-4.

- 1 § 3.^a The free exercise and enjoyment of religious profession Religious
 2 and worship, without discrimination or preference, shall for- liberty
 3 ever be allowed in this State to all mankind; and no person
 4 shall be rendered incompetent to be a witness on account of Competency
 5 his opinions on matters of religious belief; but the liberty of of wit-
 6 conscience hereby secured shall not be so construed as to ex- nesses
 7 cuse acts of licentiousness, or justify practices inconsistent Abuse of
 8 with the peace or safety of this State. liberty

Source

Const. 1777, Art. XXXVIII; amended, Const. 1821, Art. VII, § 3;
 amended, Const. 1846, Art. I, § 3.

Lincoln's Constitutional History

For the history of this section and court decisions construing it,
 see IV: 54-65.

References to constitutional conventions.

1777. State religion prohibited, I: 541-545.

1846. Witnesses, IV: 60.

1867. II: 291.

Debates of constitutional conventions

1821. State religion prohibited, 462-464 (Oct. 17); witnesses, 574-
 576 (Oct. 30); Quakers exempted from military service, 577-580
 (Oct. 31).

1846. Witnesses, 550 (Aug. 8), 1054-1055 (Oct. 5).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitu-
 tional Amendments, Overtures Nos. 24, 36, 145, 213-413 (Int. 211).

- 1 § 4. The privilege of the writ of habeas corpus shall not be Habeas
 2 suspended, unless when, in cases of rebellion or invasion, the corpus
 3 public safety may require its suspension.

Source

Const. 1821, Art. VII, § 6; continued without change in Const. 1846,
 Art. I, § 4.

^a For references relating to the ineligibility of the clergy to hold office in
 this state, see Supplementary Notes following Article XV, post, under the
 title, Office.

For exemptions from military service, see also the notes to Art. XI, § 1,
 post.

Article I, § 5

Lincoln's Constitutional History

References to constitutional conventions.

1867. Freedom from arbitrary arrest, II:289.

Debates of constitutional conventions

1867. Freedom from arbitrary arrests, V:3239-3244.

Excessive
bail, fines,
and punish-
ments; de-
tention of
witnesses

- 1 § 5. Excessive bail shall not be required nor excessive fines
2 imposed, nor shall cruel and unusual punishments be inflicted,
3 nor shall witnesses be unreasonably detained.⁴

Source

Const. 1846, Art. I, § 5.

Lincoln's Constitutional HistoryFor the history of this section and court decisions construing it,
see IV:65-68.

References to constitutional conventions.

1846. Detention of witnesses, II:114.

1867. Detention of witnesses, II:294.

Debates of constitutional conventions

1867. Detention of witnesses, V:3321-3327, 3539-3541.

Texts of proposed amendmentsIn the constitutional convention of 1894: see Proposed Constitutional
Amendments, Overtures Nos. 203 (Int. 201), 315 (Int. 309).Rights of
accused in
criminal
actions

- 1 § 6. No person shall be held to answer for a capital or
2 otherwise infamous crime (except in cases of impeachment,
3 and in cases of militia when in actual service, and the land
4 and naval forces in time of war, or which this State may keep
5 with the consent of Congress in time of peace, and in cases of
6 petit larceny, under the regulation of the Legislature), un-
7 less on presentment or indictment of a grand jury, and in any
8 trial in any court whatever the party accused shall be allowed
9 to appear and defend in person and with counsel as in civil
10 actions. No person shall be subject to be twice put in jeop-
11 ardy for the same offense; nor shall he be compelled in any
12 criminal case to be a witness against himself; nor be deprived
13 of life, liberty or property without due process of law; nor
14 shall private property be taken for public use without just
15 compensation.⁵

Due process
of lawEminent
domain**Source**

Const. 1821, Art. VII, § 7; amended, Const. 1846, Art. I, § 6.

⁴ For references to the subject of capital punishment, see Supplemental
Notes following Article XV, post, under that title.

⁵ For notes relating to the last clause of this section (eminent domain),
see Art. I, § 7, post.

Article I, § 7

Lincoln's Constitutional History

For history of this section and court decisions construing it, see IV:69-135. In particular, see pages 91-100 for statutes which have been held by the courts not to violate the "due process of law" clause of the Constitution, and pages 100-112 for statutes which have been held by the courts to be contrary to this provision.

References to constitutional conventions.

1777. I:539-540. 1867. II:291-292. 1894. III:68-69.

Debates of constitutional conventions

1821. 163-167 (Sept. 17). 1867. V:3244-3247, 3541-3544.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 58-449 (Int. 58), 76, 96, 120-389 (Int. 120), 191 (Int. 190), 236 (Int. 234), 263-412 (Int. 261), 282 (Int. 280), 319 (Int. 311), 352 (Int. 343), 379 (Int. 367), 414 (Int. 380).

In the legislature, 1895-1914, see Part II, post, pp. 4-7.

- 1 § 7. When private property shall be taken for any public
- 2 use, the compensation to be made therefor, when such com-
- 3 pensation is not made by the state, shall be ascertained by a
- 4 jury, or by the supreme court with or without a jury, but not
- 5 with a referee, or by not less than three commissioners ap-
- 6 pointed by a court of record, as shall be prescribed by law.
- 7 Private roads may be opened in the manner to be prescribed
- 8 by law; but in every case the necessity of the road and the
- 9 amount of all damage to be sustained by the opening thereof
- 10 shall be first determined by a jury of freeholders, and such
- 11 amount, together with the expenses of the proceeding, shall
- 12 be paid by the person to be benefited. General laws may be
- 13 passed permitting the owners or occupants of agricultural
- 14 lands to construct and maintain for the drainage thereof,
- 15 necessary drains, ditches and dykes upon the lands of others,
- 16 under proper restrictions and with just compensation, but no
- 17 special laws shall be enacted for such purposes.
- 18 The legislature may authorize cities to take more land
- 19 and property than is needed for actual construction in the
- 20 laying out, widening, extending or relocating parks, public
- 21 places, highways or streets; provided, however, that the ad-
- 22 ditional land and property so authorized to be taken shall be
- 23 no more than sufficient to form suitable building sites abut-
- 24 ting on such park, public place, highway or street. After so

Eminent
domain

Private
roads

Drainage
of agricul-
tural lands

Excess con-
demnation
in cities

Article I, § 8

25 much of the land and property has been appropriated for
 26 such park, public place, highway or street as is needed there-
 27 for, the remainder may be sold or leased.

Source

Const. 1846, Art. I, § 7; amended, Const. 1894, Art. I, § 7; amended, 1913.*

Lincoln's Constitutional History

For court decisions construing this section, see IV:136-141; for court decisions on the subject of eminent domain, see IV:125-135.

References to constitutional conventions and commissions.

1846. II:188.

1867. Agricultural drains, II:292; condemnation by railroads, nature of title taken, II:292.

1872. Compensation, II:475; agricultural drains, II:476-477.

1894. Appraisal, III:69-70; agricultural drains, III:31-33.

Debates of constitutional conventions

1846. Condemnation, appraisal, 118 (June 19); condemnation, special laws, 983-984 (Sept. 26).

1867. Condemnation, appraisal, V:3247-3254; private roads and agricultural drains, V:3254-3257, 3544-3549; condemnation by railroads, nature of title taken, V:3254.

1894. Condemnation, appraisal, I:807-830 (I:423-435); II:627-637 (II:962-967); II:639-669 (II:969-985); II:672-679 (II:988-992); agricultural drains, IV:847-856 (V:2445-2450); IV:1047-1063 (VI:2562-2592).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 15, 133, 141, 230 (Int. 228), 333-420 (Int. 325), 335-417 (Int. 327), 385-426 (Int. 364).

In the legislature, 1895-1914: see Part II, post, pp. 7-13.

Liberty of
speech and
press

Libel

1 § 8. Every citizen may freely speak, write and publish his
 2 sentiments on all subjects, being responsible for the abuse of
 3 that right; and no law shall be passed to restrain or abridge
 4 the liberty of speech or of the press. In all criminal prosecu-
 5 tions or indictments for libels, the truth may be given in evi-
 6 dence to the jury; and if it shall appear to the jury that the
 7 matter charged as libelous is true, and was published with
 8 good motives and for justifiable ends, the party shall be

* For legislative history of this amendment and action of the people thereon, see Part II, post, p. 9.

† This overture was adopted by the convention and accordingly became a part of the Constitution.

Article I, § 9

9 acquitted; and the jury shall have the right to determine the
10 law and the fact.

Source

Const. 1821, Art. VII, § 8; amended, Const. 1846, Art. I, § 8.

Lincoln's Constitutional History

For court decisions construing this section, see IV:141-144.

References to constitutional conventions.

1894. Libel, costs, III:72.

Debates of constitutional conventions

1821. Libel, truth and motive, 167-169 (Sept. 17); function of jury, 487-496 (Oct. 20).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overture No. 240 (Int. 238).

1 § 9. No law shall be passed abridging the right of the people
2 peaceably to assemble and to petition the government, or any
3 department thereof; nor shall any divorce^s be granted other-
4 wise than by due judicial proceedings; nor shall any lottery or
5 the sale of lottery tickets, pool-selling, book making, or any
6 other kind of gambling hereafter be authorized or allowed
7 within this State; and the Legislature shall pass appropriate
8 laws to prevent offenses against any of the provisions of this
9 section.

Right to as-
semble and
petition

Divorce

Gambling

Source

Const. 1846, Art. I, § 10 (except that lotteries were prohibited by Const. 1821, Art. VII, § 11); amended, Const. 1894, Art. I, § 9.

Lincoln's Constitutional History

For court decisions construing this section, see IV:144-147.

For historical sketch of the constitutional and statutory provisions in this colony and state relating to gambling (with special reference to lotteries) from 1721 to 1894, together with historical comments on other aspects of this subject, see III:33-52.

References to constitutional conventions.

1821. 1:217, 750. 1894. III:47-52.

Debates of constitutional conventions

1821. Right to assemble and petition, 170 (Sept. 17); lotteries prohibited, 461 (Oct. 17), 566-572 (Oct. 30).

1894. Gambling, IV:971-979 (VI:2517-2522); IV:1079-1088 (VI:2581-2585); IV:1110-1131 (VI:2599-2610).

^s For causes for divorce, see Supplementary Notes following Article XV, post, under the title Divorce.

Article I, § 10

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 196 (Int. 195), 222 (Int. 220), 232 (Int. 230), 425 (Int. 384).⁹

In the legislature, 1895-1914: see Part II, post, pp. 13-14.

Sovereignty
in lands

- 1 § 10. The people of this State, in their right of sovereignty,**
2 are deemed to possess the original and ultimate property in
3 and to all lands within the jurisdiction of the State; and all
4 lands the title to which shall fail, from a defect of heirs, shall
5 revert, or escheat to the people.¹⁰

Escheat

Source

Const. 1846, Art. I, § 11; continued without change in Const. 1894, Art. I, § 10.

Lincoln's Constitutional History

For comment on this section and court decisions construing it, see IV:147-149, 408, 437.

Feudal
tenures
abolished

- 1 § 11. All feudal tenures of every description, with all their**
2 incidents, are declared to be abolished, saving however, all
3 rents and services certain which at any time heretofore have
4 been lawfully created or reserved.¹¹

Source

Const. 1846, Art. I, § 12; continued without change in Const. 1894, Art. I, § 11.

Lincoln's Constitutional History

For court decisions construing this section, see IV:149.

References to constitutional conventions.

1846. II:115-118.

Debates of constitutional conventions

1846. 1051-1052 (Oct. 3), 1062 (Oct. 6). 1867. V:3550-3552.

Allodial
tenure

- 1 § 12. All lands within this State are declared to be allodial,**
2 so that, subject only to the liability to escheat, the entire and

⁹ This overture was adopted by the convention and accordingly became a part of the Constitution.

¹⁰ For the subjects of title to lands by aliens and the prohibition of private bills releasing escheated lands, see Supplemental Notes following Article XV, post, under the titles, Aliens and Bills.

For the history of the events which led to the introduction of this section into the Constitution, see the notes to Art. I, § 13, post.

¹¹ For a history of the events which led to the introduction of this section into the Constitution, see the notes to Art. I, § 13, post.

Article I, § 14

3 absolute property is vested in the owners, according to the
4 nature of their respective estates.¹²

Source

Const. 1846, Art. I, § 13; continued without change in Const. 1894,
 Art. I, § 12.

Lincoln's Constitutional History

For court decisions construing this section, see IV:150.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional
 Amendments, Overture No. 97.

1 § 13. No lease or grant of agricultural land, for a longer
2 period than twelve years, hereafter made, in which shall be re-
3 served any rent or service of any kind, shall be valid.

Leases of
 agricultural
 lands
 limited

Source

Const. 1846, Art. I, § 14; continued without change in Const. 1894,
 Art. I, § 13.

Lincoln's Constitutional History

For court decisions construing this section, see IV:150-152.

For a history of the events which led to the introduction of this sec-
 tion, and also of sections 10-12 of this Article, into the Constitu-
 tion, see II:10-27.

References to constitutional conventions.

1846. II:115-118.

Debates of constitutional conventions

1846. 1052-1053 (Oct. 3), 1062-1063 (Oct. 6).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional
 Amendments, Overtures Nos. 12, 107, 186 (Int. 185).

1 § 14. All fines, quarter sales, or other like restraints upon
2 alienation, reserved in any grant of land hereafter to be made,
3 shall be void.¹³

Restraints
 on aliena-
 tion pro-
 hibited

Source

Const. 1846, Art. I, § 15; continued without change in Const. 1894,
 Art. I, § 14.

Lincoln's Constitutional History

For court decisions construing this section, see IV:152.

¹² For a history of the events which led to the introduction of this section into the Constitution, see the notes to Art. I, § 13, post.

For suggested prohibition of private bills releasing escheated lands, see Supplemental Notes following Article XV, post, under the title Bills.

¹³ For references to provisions regulating the transfer of title to real property, see Supplemental Notes following Article XV, post, under the title Real property.

Article I, § 15

Indian land
transactions

1 § 15. No purchase or contract for the sale of lands in this
 2 State, made since the fourteenth day of October, one thousand
 3 seven hundred and seventy-five; or which may hereafter be
 4 made, of, or with the Indians, shall be valid, unless made under
 5 the authority, and with the consent of the Legislature.

Source

Const. 1777, Art. XXXVII; amended, Const. 1821, Art. VII, § 12;
 amended, Const. 1846, Art. I, § 16; continued without change in
 Const. 1894, Art. I, § 15.

Lincoln's Constitutional History

For court decisions relating to Indian lands, see IV:47, 149, 239, 282,
 316.

For history of the relations between the Indians and the state from
 1626 to 1875, see III:392, and IV:152-174.

References to constitutional conventions.

1867. Relations of Indians to the state, II:389-390.

Debates of constitutional conventions

1867. Indian reservations, IV:2925-2926, 2881; V:3435-3448.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional
 Amendments, Overture No. 244 (Int. 242).

Existing
and future
law of
state

1 § 16. Such parts of the common law, and of the acts of the
 2 Legislature of the colony of New York, as together did form
 3 the law of the said colony, on the nineteenth day of April,
 4 one thousand seven hundred and seventy five, and the resolu-
 5 tions of the Congress of the said colony, and of the convention
 6 of the State of New York, in force on the twentieth day of
 7 April, one thousand seven hundred and seventy-seven, which
 8 have not since expired, or been repealed or altered; and such
 9 acts of the Legislature of this State as are now in force, shall
 10 be and continue the law of this State, subject to such altera-
 11 tions as the Legislature shall make concerning the same.
 12 But all such parts of the common law, and such of the said
 13 acts, or parts thereof, as are repugnant to this Constitution,
 14 are hereby abrogated.

Source

Const. 1777, Art. XXXV; amended, Const. 1821, Art. VII, § 13;
 amended, Const. 1846, Art. I, § 17; amended, Const. 1894, Art. I,
 § 16.

Article I, § 18

Lincoln's Constitutional History

For history of this section and court decisions construing it, see IV: 175-178.

References to constitutional conventions.

1777. I:540-541.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures 36, 86-429 (Int. 86),¹⁴ 167, 415 (Int. 381).

In the legislature, 1895-1914: see Part II, post, pp. 14-15.

1 § 17. All grants of land within this State, made by the king
 2 of Great Britain, or persons acting under his authority, after
 3 the fourteenth day of October, one thousand seven hundred
 4 and seventy-five, shall be null and void; but nothing con-
 5 tained in this Constitution shall affect any grants of land
 6 within this State, made by the authority of the said king or
 7 his predecessors, or shall annul any charters to bodies politic
 8 and corporate, by him or them made, before that day; or
 9 shall affect any such grants or charters since made by this
 10 State, or by persons acting under its authority; or shall im-
 11 pair the obligation of any debts contracted by the State, or
 12 individuals, or bodies corporate, or any other rights of prop-
 13 erty, or any suits, actions, rights of action, or other proceed-
 14 ings in courts of justice.

Royal and
state grants
and charters
preserved

Obligation
of debts,
property
rights and
judicial
proceedings
preserved

Source

Const. 1777, Art. XXXVI; amended, Const. 1821, Art. VII, § 14;
 continued without change in Const. 1846, Art. I, § 18, and in Const.
 1894, Art. I, § 17.

Lincoln's Constitutional History

For comment on this section and court decisions construing it, see IV:
 178-179.

References to constitutional conventions.

1846. Royal grants and charters, II:114-115.

Debates of constitutional conventions

1846. Royal city charters, 117-118 (June 19), 160-163 (June 25);
 royal grants, 139-140 (June 23), 160-163 (June 25).

1 § 18. The right of action now existing to recover damages
 2 for injuries resulting in death, shall never be abrogated; and

Damages
for injuries
causing
death

¹⁴ This overture was adopted by the convention and accordingly became a part of the Constitution.

Article I, § 19

3 the amount recoverable shall not be subject to any statutory
4 limitation.

Source

Const. 1894, Art. I, § 18.

Lincoln's Constitutional History

For court decisions construing this section, see IV:179.

For historical statement relative to the action to recover damages for injuries resulting in death, see III:57-60.

References to constitutional conventions.

1894. Limitation of damages, III:60-65.

Debates of constitutional conventions

1894. Right of action, II:55-56 (II:651); limitation of damages, I:1101-1130 (II:581-595); II:603-626 (II:947-962); IV:401-414 (V:2189-2195).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 192-380 (Int. 191),¹⁵ 347 (Int. 338).

Workmen's
compensa-
tion

- 1 § 19. Nothing contained in this constitution shall be con-**
2 strued to limit the power of the legislature to enact laws for
3 the protection of the lives, health, or safety of employees; or
4 for the payment, either by employers, or by employers and
5 employees or otherwise, either directly or through a state or
6 other system of insurance or otherwise, of compensation for
7 injuries to employees or for death of employees resulting
8 from such injuries without regard to fault as a cause thereof,
9 except where the injury is occasioned by the willful inten-
10 tion of the injured employee to bring about the injury or
11 death of himself or of another, or where the injury results
12 solely from the intoxication of the injured employee while on
13 duty; or for the adjustment, determination and settlement,
14 with or without trial by jury, of issues which may arise under
15 such legislation; or to provide that the right of such compen-
16 sation, and the remedy therefor shall be exclusive of all other
17 rights and remedies for injuries to employees or for death re-
18 sulting from such injuries; or to provide that the amount of
19 such compensation for death shall not exceed a fixed or de-
20 terminable sum; provided that all moneys paid by an em-
21 ployer to his employees or their legal representatives, by

¹⁵ This overture in its final form is not included in the Proposed Constitutional Amendments. It will be found, however, in the Revised Record, vol. 4, at p. 403.

Article II, § 1

22 reason of the enactment of any of the laws herein authorized,
 23 shall be held to be a proper charge in the cost of operating
 24 the business of the employer.

Source

Amendment of 1913.¹⁰

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 52, 448 (Int. 52-130).

In the legislature, 1895-1914: see Part II, post, pp. 15-17.

ARTICLE II¹

1 Section 1. Every male citizen of the age of twenty-one
 2 years, who shall have been a citizen for ninety days, and an Qualifica-
tion of
voters
 3 inhabitant of this State one year next preceding an election,
 4 and for the last four months a resident of the county and for
 5 the last thirty days a resident of the election district in which
 6 he may offer his vote, shall be entitled to vote at such election
 7 in the election district of which he shall at the time be a resi-
 8 dent, and not elsewhere, for all officers that now are or here-
 9 after may be elective by the people; and upon all questions
 10 which may be submitted to the vote of the people, provided Soldier and
sailor vote
in war time
 11 that in time of war no elector in the actual military service
 12 of the State, or of the United States, in the army or navy
 13 thereof, shall be deprived of his vote by reason of his absence
 14 from such election district; and the Legislature shall have
 15 power to provide the manner in which and the time and place
 16 at which such absent electors may vote, and for the return
 17 and canvass of their votes in the election districts in which
 18 they respectively reside.

Source

Const. 1777, Art. VII; amended, Const. 1821, Art. II, § 1; amended
 in 1826;² amended, Const. 1846, Art. II, § 1; amended in 1864³ and
 in 1874; amended, Const. 1894, Art. II, § 1.

¹⁰ For legislative history of this amendment and action of the people thereon, see Part II, post, pp. 15-16.

¹ For references to certain subjects coming within the general scope of Article II but not relating specifically to any particular section thereof, see Supplemental Notes following Article XV, post, under the following titles: Campaign expenses, Office, Suffrage.

² For text of the constitutional amendment of 1826, see Lincoln's Constitutional History, I: 222.

³ For text of the constitutional amendment of 1864 adding the provision relating to the right of soldiers to vote while absent from home, see Lincoln's Constitutional History, I: 311. For history of the movement leading up to this constitutional amendment and the legislation in connection with this subject, see Lincoln, II: 235-240.

Article II, § 1

Lincoln's Constitutional History

For court decisions construing this section, see IV:180-185.

For a discussion of the meaning of the term "suffrage," and a history of the limitations upon the right of suffrage in this state down to and under the Constitution of 1821, see I:640-668. For special reference to the limitations upon the right to vote for senators, see I:643-652, and to the limitations upon the colored vote, see I:652-666.

For a discussion of the qualifications of voters on questions submitted, including the history of the constitutional amendment of 1874 adding the words "and upon all questions which may be submitted to the vote of the people," see II:480-481, and IV:185-191.

For history of woman suffrage in this state from 1848 to 1905, see II:305-314.

References to constitutional conventions and commissions.

1821. Qualifications generally, I:666-667; of colored voters, I:661-667; of voters for senators, 643-652.

1846. Citizenship, II:123-125; color, II:119-123, 212-213; educational qualifications, II:125-126; residence, II:125.

1867. Qualifications generally, II:294-301; age, II:295, 301; citizenship, II:303; color, 314-317; educational qualifications, II:304-305; on questions submitted, IV:185-191; residence, II:301-303; woman suffrage, II:305-314.

1872. On questions submitted, II:480-481.

1894. Citizenship, III:74-80; woman suffrage, III:80-84.

Debates of constitutional conventions

1821. Qualifications generally, 178-183 (Sept. 19); color, 183-202 (Sept. 19-20), 364-365 (Oct. 6), 369-370 (Oct. 6), 374-377 (Oct. 8); military service, 210-214 (Sept. 21), 271-287 (Sept. 26-28); property, 357-364 (Oct. 6), 676 (Appendix); residence, 210-214 (Sept. 21); for voters for senators, 215-231 (Sept. 22), 234-270 (Sept. 24-25); paying highway tax, 366-368 (Oct. 6); working on highways, 271-287 (Sept. 26-28).

1846. Qualifications generally, 81-85 (June 11), 1013-1020 (Sept. 30); citizenship, 81-85 (June 11); color, 1026-1036 (Oct. 1), 1042-1043 (Oct. 2), 1045-1048 (Oct. 2), 1078-1079 (Oct. 9); educational qualifications, 1066 (Oct. 6); naturalization, 105-106 (June 15); residence, 1036-1037, 1043-1045 (Oct. 1-2).

1867. Qualifications generally, I:199-214, 219-232, 513-514, 517-519; age, I:489-491, 540-541; citizenship, I:531-533, 542-543, 546; color, I:235-249, 253-264, 266-283, 290-302, 310-348, 380-391, 417-427, 453-454, 462-465, 496-501, 528-531, 542; educational qualifications, I:491-496, 549-550, V:3560-3561, 3563-3564; paying poll tax, III:1946-1947; on questions submitted, I:548-549; residence, I:533-536; woman suffrage, I:126-127, 364-391, 427-444, 454-462, 465-470, 537-540, 547, V:3562-3563.

1894. Qualifications generally, II:165-166 (II:713), IV:461-478 (V:2220-2229); citizenship, I:618-637 (I:319-329), III:933-941 (IV:

Article II, § 2

1800-1805); woman suffrage, I:6 (I:7), II:45-47 (II:647-648), 193-223 (II:727-743), 268-303 (II:769-788), 405-446 (II:843-865), 491-552 (II:887-925).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 8-401 (Int. 8), 21, 31, 45, 57, 60, 100-400 (Int. 100),⁴ 106, 118, 121, 143, 150, 177 (Int. 176), 195 (Int. 194), 224 (Int. 222), 226 (Int. 224), 234 (Int. 232), 301 (Int. 297), 340 (Int. 331).

In the legislature, 1895-1914: see Part II, post, pp. 19-26.⁵

1 § 2. No person who shall receive, accept, or offer to receive, Persons
 2 or pay, offer or promise to pay, contribute, offer or promise excluded
 3 to contribute to another, to be paid or used, any money or from right
 4 other valuable thing as a compensation or reward for the of suffrage
 5 giving or withholding a vote at an election, or who shall make
 6 any promise to influence the giving or withholding any such
 7 vote, or who shall make or become directly or indirectly in-
 8 terested in any bet or wager depending upon the result of
 9 any election, shall vote at such election; and upon challenge
 10 for such cause, the person so challenged, before the officers
 11 authorized for that purpose shall receive his vote, shall swear
 12 or affirm before such officers that he has not received or
 13 offered, does not expect to receive, has not paid, offered or
 14 promised to pay, contributed, offered or promised to con-
 15 tribute to another, to be paid or used, any money or other
 16 valuable thing as a compensation or reward for the giving or
 17 withholding a vote at such election, and has not made any
 18 promise to influence the giving or withholding of any such
 19 vote, nor made or become directly or indirectly interested in
 20 any bet or wager depending upon the result of such election.
 21 The Legislature shall enact laws excluding from the right of
 22 suffrage all persons convicted of bribery or of any infamous
 23 crime.

Source

Const. 1821, Art. II, § 2; amended, Const. 1846, Art. II, § 2; amended, 1874;^{5a} amended, Const. 1894, Art. II, § 2.

⁴ This overture was adopted by the convention and accordingly became a part of the Constitution.

⁵ For the text of the woman suffrage amendment passed by the legislature in 1913 and 1915, see Part II, post, pp. 18-19.

^{5a} For text of the constitutional amendment of 1874, see Lincoln's Constitutional History, I:296-297.

Article II, § 3

Lincoln's Constitutional History

References to constitutional conventions and commissions.

1867. Disqualifications, II:303-304.

1872. Bribery at elections, II:481-482.

1894. Bribery, generally and at elections, III:84-85.

Debates of constitutional conventions

1867. Disqualifications, I:136, 470-485, 487-489, 515-517, 547-551, 555-568; bribery, generally, I:501-508; bribery at elections, I:501-508; V:3565-3569; deserters, I:519-527, 562-563; idiots and lunatics, I:559-560; rebels, I:519-527, 553-554.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 29, 157.

Voting
residence

- 1 § 3. For the purpose of voting, no person shall be deemed
2 to have gained or lost a residence, by reason of his presence or
3 absence, while employed in the service of the United States;
4 nor while engaged in the navigation of the waters of this State,
5 or of the United States, or of the high seas; nor while a student
6 of any seminary of learning; nor while kept at any alms-house,
7 or other asylum, or institution wholly or partly supported at
8 public expense, or by charity; nor while confined in any public
9 prison.

Source

Const. 1846, Art. II, § 3; amended, Const. 1894, Art. II, § 3.

Lincoln's Constitutional History

For court decisions construing this section, see IV:192-195.

For cause of the amendment to this section made by the Constitution of 1894, see III:85-87.

References to constitutional conventions.

1894. III:85-91.

Debates of constitutional conventions

1867. I:568-570; V:3569-3570.

1894. II:866-884 (III:1094-1103); IV:416-420 (V:2196-2198).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 119-399 (Int. 119),^c 138, 159, 251 (Int. 249), 343 (Int. 334).

In the legislature, 1895-1914: see Part II, post, pp. 27-28.

^c This overture was adopted by the convention and accordingly became a part of the Constitution.

Article II, § 5

1 § 4. Laws shall be made for ascertaining, by proper proofs, Registration of
 2 the citizens who shall be entitled to the right of suffrage voters
 3 hereby established, and for the registration of voters; which
 4 registration shall be completed at least ten days before each
 5 election. Such registration shall not be required for town and
 6 village elections except by express provision of law. In cities
 7 and villages having five thousand inhabitants or more, ac-
 8 cording to the last preceding state enumeration of inhab-
 9 itants, voters shall be registered upon personal application
 10 only; but voters not residing in such cities or villages shall
 11 not be required to apply in person for registration at the first
 12 meeting of the officers having charge of the registry of voters.

Source

Const. 1821, Art. II, § 3; continued without change in Const. 1846,
 Art. II, § 4; amended, Const. 1894, Art. II, § 4.

Lincoln's Constitutional History

For court decisions construing this section, see IV:195-196.

For historical statement relative to the requirement of registration of
 voters in this state from 1821 to 1894, see III:91-102.

References to constitutional conventions.

1821. I:667-668. 1867. II:296, 304. 1894. III:102-108.

Debates of constitutional conventions

1821. 203-204 (Sept. 20), 370-374 (Oct. 8).

1867. I:508-513, 570-605, 616-624; V:3570-3585.

1894, III:942-950 (IV:1805-1809); IV:99-122 (V:2032-2044); IV:
 716-724 (V:2366-2371).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional
 Amendments, Overtures Nos. 64-316 (Int. 64), 109, 187 (Int. 186),
 241 (Int. 239), 255-402 (Int. 253),⁷ 291 (Int. 287), 334 (Int. 326).

In the legislature, 1895-1914: see Part II, post, pp. 28-32.

1 § 5. All elections by the citizens, except for such town off- Manner of
 2 cers as may by law be directed to be otherwise chosen, shall be voting
 3 by ballot, or by such other method as may be prescribed by
 4 law, provided that secrecy in voting be preserved.

Source

Const. 1777, Art. VI; amended, Const. 1821, Art. II, § 4; continued
 without change in Const. 1846, Art. II, § 5; amended, Const. 1894,
 Art. II, § 5.

⁷ This overture was adopted by the convention and accordingly became
 a part of the Constitution.

Article II, § 6

Lincoln's Constitutional History

For court decisions construing this section, see IV:196.

For historical statement on the method of voting in this state from 1777 to 1894, see I:667-668, and III:108-109.

References to constitutional conventions.

1777. I:507-514, 667. 1821. 668. 1894. III:108-114.

Debates of constitutional conventions

1821. 205-206 (Sept. 21).

1867. I:605-606.

1894. I:917-928 (I:484-489), I:1173-1183 (II:616-620); III:82-105 (III:1324-1336); IV:431-448 (V:2205-2213).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 98, 184-289-303-381 (Int. 183),^s 225 (Int. 223).

Bipartisan
election
boards

1 § 6. All laws creating, regulating or affecting boards or
2 officers charged with the duty of registering voters, or of dis-
3 tributing ballots at the polls to voters, or of receiving, record-
4 ing or counting votes at elections, shall secure equal repre-
5 sentation of the two political parties which, at the general
6 election next preceding that for which such boards or officers
7 are to serve, cast the highest and the next highest number of
8 votes. All such boards and officers shall be appointed or
9 elected in such manner, and upon the nomination of such
10 representatives of said parties respectively, as the Legislature
11 may direct. Existing laws on this subject shall continue
12 until the Legislature shall otherwise provide. This section
13 shall not apply to town meetings, or to village elections.

Source

Const. 1894, Art. II, § 6.

Lincoln's Constitutional History

For historical sketch of the development of the policy of bi-partisan representation in the conduct of elections in this state from 1778 to 1894, see III:114-127.

References to constitutional conventions.

1894. III:127-131.

Debates of constitutional conventions

1894. III:110-116 (III:1341-1344); III:244-272 (III:1412-1427);
IV:536-545 (V:2263-2267).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 260-317 (Int. 258),^s 331 (Int. 323).

^s This overture was adopted by the convention and accordingly became a part of the Constitution.

Article III, § 2

ARTICLE III¹

- 1 Section 1. The legislative power of this State shall be vested** Legislative
power
2 in the Senate and Assembly.²

Source

Const. 1777, Art. II; amended, Const. 1821, Art. I, § 1; amended,
 Const. 1846, Art. III, § 1; amended, Const. 1894, Art. III, § 1.

Lincoln's Constitutional History

For comment upon this section and court decisions construing the same,
 see I:295, and IV:197-334.

References to constitutional conventions.

1777. I:501-505.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional
 Amendments, Overtures Nos. 18, 219 (Int. 217), 292 (Int. 288).

In the legislature, 1895-1914; see Part II, post, pp. 34-44.

- 1 § 2. The Senate shall consist of fifty members, except as** Senators
and as-
semblymen:
number
and terms
2 hereinafter provided. The senators elected in the year one
3 thousand eight hundred and ninety-five shall hold their offices
4 for three years, and their successors shall be chosen for two
5 years. The Assembly shall consist of one hundred and fifty
6 members who shall be chosen for one year.

Source

Senate: Const. 1777, Art. X; amended 1801;³ amended, Const. 1821,
 Art. I, § 2; amended, Const. 1846, Art. III, § 2; amended, Const.
 1894, Art. III, § 2.

Assembly: Const. 1777, Art. IV; amended 1801;³ amended, Const.
 1821, Art. I, § 2; amended, Const. 1846, Art. III, § 2; amended,
 Const. 1894, Art. III, § 2.

Lincoln's Constitutional History

For brief explanation of this section, see IV:334.

References to constitutional conventions and commissions.

1821. Composition of legislature generally, I:638, 672.

1846. II:126-129. 1867. II:318-320. 1872. II:483-487. 1894.
 IV:334.

¹ For references to certain subjects coming within the general scope of Article III but not relating specifically to any particular section thereof, see Supplemental Notes following Article XV, post, under the following titles: Attorneys, Intoxicating liquors, Legislature, Niagara river, Pensions, Taxation, Wills.

² For references to the subject of the initiative and referendum, see Supplemental Notes following Article XV, post, under that title.

³ For the text of the constitutional amendments of 1801, see Lincoln's Constitutional History, I:190.

Article III, § 3

Debates of constitutional conventions

1821. 398-416 (Oct. 11-12).

1846. Senators, number and terms, 373-383 (July 21), 395-408 (July 23), 455-458 (July 29); rotation in office, 415-419 (July 24), 464-465 (July 30).

Assemblymen, number and terms, 373-383 (July 21).

1867. Senators, number, II:875; assemblymen, number, I:304-306.

1894. Senators and assemblymen, number and terms, III:343-348 (III:1467-1470); IV:644-694 (V:2325-2354).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 13, 32, 83, 91, 103, 219 (Int. 217), 229 (Int. 227), 280 (Int. 278), 292 (Int. 288), 359 (Int. 350), 404-454 (Int. 376).^{2a}

In the legislature, 1895-1914: see Part II, post, pp. 45-48.

Senate districts

1 § 3. The State shall be divided into fifty districts to be
2 called senate districts, each of which shall choose one sen-
3 ator. The districts shall be numbered from one to fifty, in-
4 clusive.

5 District number one (1) shall consist of the counties of
6 Suffolk and Richmond.

7 District number two (2) shall consist of the county of
8 Queens.

9 District number three (3) shall consist of that part of the
10 county of Kings comprising the first, second, third, fourth,
11 fifth and sixth wards of the city of Brooklyn.

12 District number four (4) shall consist of that part of the
13 county of Kings comprising the seventh, thirteenth, nine-
14 teenth and twenty-first wards of the city of Brooklyn.

15 District number five (5) shall consist of that part of the
16 county of Kings comprising the eighth, tenth, twelfth and
17 thirtieth wards of the city of Brooklyn, and the ward of the
18 city of Brooklyn which was formerly the town of Gravesend.

19 District number six (6) shall consist of that part of the
20 county of Kings comprising the ninth, eleventh, twentieth
21 and twenty-second wards of the city of Brooklyn.

22 District number seven (7) shall consist of that part of the
23 county of Kings comprising the fourteenth, fifteenth, six-
24 teenth and seventeenth wards of the city of Brooklyn.

^{2a} This overture was adopted by the convention and accordingly became a part of the Constitution.

Article III, § 3

25 District number eight (8) shall consist of that part of the
26 county of Kings comprising the twenty-third, twenty-fourth,
27 twenty-fifth and twenty-ninth wards of the city of Brooklyn,
28 and the town of Flatlands.

29 District number nine (9) shall consist of that part of the
30 county of Kings comprising the eighteenth, twenty-sixth,
31 twenty-seventh and twenty-eighth wards of the city of
32 Brooklyn.

33 District number ten (10) shall consist of that part of the
34 county of New York within and bounded by a line beginning
35 at Canal street and the Hudson river, and running thence
36 along Canal street, Hudson street, Dominick street, Varick
37 street, Broome street, Sullivan street, Spring street, Broad-
38 way, Canal street, the Bowery, Division street, Grand street
39 and Jackson street, to the East river and thence around the
40 southern end of Manhattan Island, to the place of beginning,
41 and also Governor's, Bedloe's and Ellis islands.

42 District number eleven (11) shall consist of that part of
43 the county of New York lying north of district number ten,
44 and within and bounded by a line beginning at the junction
45 of Broadway and Canal street, and running thence along
46 Broadway, Fourth street, the Bowery and Third avenue,
47 St. Mark's place, Avenue A, Seventh street, Avenue B,
48 Clinton street, Rivington street, Norfolk street, Division
49 street, Bowery and Canal street, to the place of beginning.

50 District number twelve (12) shall consist of that part of
51 the county of New York lying north of districts numbers
52 ten and eleven, and within and bounded by a line beginning
53 at Jackson street and the East river, and running thence
54 through Jackson street, Grand street, Division street, Nor-
55 folk street, Rivington street, Clinton street, Avenue B,
56 Seventh street, Avenue A, St. Mark's place, Third avenue,
57 East Fourteenth street to the East river, and along the East
58 river, to the place of beginning.

59 District number thirteen (13) shall consist of that part of
60 the county of New York lying north of district number ten,
61 and within and bounded by a line beginning at the Hudson
62 river at the foot of Canal street, and running thence along
63 Canal street, Hudson street, Dominick street, Varick street,
64 Broome street, Sullivan street, Spring street, Broadway,

Article III, § 3

65 Fourth street, the Bowery and Third avenue, Fourteenth
66 street, Sixth avenue, West Fifteenth street, Seventh avenue,
67 West Nineteenth street, Eighth avenue, West Twentieth
68 street, and the Hudson river, to the place of beginning.

69 District number fourteen (14) shall consist of that part of
70 the county of New York lying north of districts numbers
71 twelve and thirteen, and within and bounded by a line begin-
72 ning at East Fourteenth street and the East river, and run-
73 ning thence along East Fourteenth street, Irving place, East
74 Nineteenth street, Third avenue, East Twenty-third street,
75 Lexington avenue, East Fifty-third street, Third avenue,
76 East Fifty-second street, and the East river, to the place
77 of beginning.

78 District number fifteen (15) shall consist of that part of
79 the county of New York lying north of district number
80 thirteen, and within and bounded by a line beginning at
81 the junction of West Fourteenth street and Sixth avenue,
82 and running thence along Sixth avenue, West Fifteenth
83 street, Seventh avenue, West Fortieth street, Eighth avenue,
84 and the transverse road across Central park at Ninety-
85 seventh street, Fifth avenue, East Ninety-sixth street, Lex-
86 ington avenue, East Twenty-third street, Third avenue, East
87 Nineteenth street, Irving place and Fourteenth street, to
88 the place of beginning.

89 District number sixteen (16) shall consist of that part of
90 the county of New York lying north of district number thir-
91 teen, and within and bounded by a line beginning at Seventh
92 avenue and West Nineteenth street, and running thence
93 along West Nineteenth street, Eighth avenue, West Twen-
94 tieth street, the Hudson river, West Forty-sixth street, Tenth
95 avenue, West Forty-third street, Eighth avenue, West For-
96 tieth street and Seventh avenue, to the place of beginning.

97 District number seventeen (17) shall consist of that part
98 of the county of New York lying north of district number
99 sixteen, and within and bounded by a line beginning at the
100 junction of Eighth avenue and West Forty-third street, and
101 running thence along West Forty-third street, Tenth avenue,
102 West Forty-sixth street, the Hudson river, West Eighty-
103 ninth street, Tenth or Amsterdam avenue, West Eighty-
104 sixth street, Ninth or Columbus avenue, West Eighty-first
105 street and Eighth avenue, to the place of beginning.

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106 District number eighteen (18) shall consist of that part of
107 the county of New York lying north of district number four-
108 teen, and within and bounded by a line beginning at the
109 junction of East Fifty-second street and the East river, and
110 running thence along East Fifty-second street, Third avenue,
111 East Fifty third street, Lexington avenue, East Eighty
112 fourth street, Second avenue, East Eighty third street and
113 the East river, to the place of beginning; and also Black-
114 well's island.

115 District number nineteen (19) shall consist of that part
116 of the county of New York lying north of district number
117 seventeen, and within and bounded by a line beginning at
118 West Eighty-ninth street and the Hudson river, and running
119 thence along the Hudson river and Spuyten Duyvil creek
120 around the northern end of Manhattan island; thence south-
121 erly along the Harlem river to the north end of Fifth ave-
122 nue; thence along Fifth avenue, East One Hundred and
123 Twenty-ninth street, Fourth or Park avenue, East One
124 Hundred and Tenth street, Fifth avenue, the transverse road
125 across Central park at Ninety-seventh street, Eighth avenue,
126 West Eighty-first street, Ninth or Columbus avenue, West
127 Eighty sixth street, Tenth or Amsterdam avenue and West
128 Eighty-ninth street, to the place of beginning.

129 District number twenty (20) shall consist of that part of
130 the county of New York lying north of districts numbers
131 eighteen and fifteen, and within and bounded by a line be-
132 ginning at East Eighty-third street and the East river, run-
133 ning thence through East Eighty-third street, Second ave-
134 nue, East Eighty-fourth street, Lexington avenue, East
135 Ninety-sixth street, Fifth avenue, East One Hundred and
136 Tenth street, Fourth or Park avenue, East One Hundred
137 and Nineteenth street to the Harlem river, and along the
138 Harlem and East rivers to the place of *begining; and also
139 Randall's island and Ward's island.

140 All of the above districts in the county of New York
141 bounded upon or along the boundary waters of the county,
142 shall be deemed to extend to the county line.

143 District number twenty one (21) shall consist of that part
144 of the county of New York lying north of districts numbers

* So in original.

Article III, § 3

145 nineteen and twenty, within and bounded by a line begin-
146 ning at East One Hundred and Nineteenth street and the
147 Harlem river, and running thence along East One Hundred
148 and Nineteenth street, Fourth or Park avenue, One Hundred
149 and Twenty-ninth street, Fifth avenue and the Harlem
150 river, to the place of beginning; and all that part of the
151 county of New York not hereinbefore described.

152 District number twenty-two (22) shall consist of the
153 county of Westchester.

154 District number twenty-three (23) shall consist of the
155 counties of Orange and Rockland.

156 District number twenty-four (24) shall consist of the
157 counties of Dutchess, Columbia and Putnam.

158 District number twenty-five (25) shall consist of the
159 counties of Ulster and Greene.

160 District number twenty-six (26) shall consist of the
161 counties of Delaware, Chenango and Sullivan.

162 District number twenty-seven (27) shall consist of the
163 counties of Montgomery, Fulton, Hamilton and Schoharie.

164 District number twenty-eight (28) shall consist of the
165 counties of Saratoga, Schenectady and Washington.

166 District number twenty-nine (29) shall consist of the
167 county of Albany.

168 District number thirty (30) shall consist of the county of
169 Rensselaer.

170 District number thirty-one (31) shall consist of the
171 counties of Clinton, Essex and Warren.

172 District number thirty-two (32) shall consist of the
173 counties of St. Lawrence and Franklin.

174 District number thirty-three (33) shall consist of the
175 counties of Otsego and Herkimer.

176 District number thirty-four (34) shall consist of the
177 county of Oneida.

178 District number thirty-five (35) shall consist of the
179 counties of Jefferson and Lewis.

180 District number thirty-six (36) shall consist of the county
181 of Onondaga.

182 District number thirty-seven (37) shall consist of the
183 counties of Oswego and Madison.

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184 District number thirty-eight (38) shall consist of the
185 counties of Broome, Cortland and Tioga.

186 District number thirty-nine (39) shall consist of the
187 counties of Cayuga and Seneca.

188 District number forty (40) shall consist of the counties of
189 Chemung, Tompkins and Schuyler.

190 District number forty-one (41) shall consist of the counties
191 of Steuben and Yates.

192 District number forty-two (42) shall consist of the
193 counties of Ontario and Wayne.

194 District number forty three (43) shall consist of that part
195 of the county of Monroe comprising the towns of Brighton,
196 Henrietta, Irondequoit, Mendon, Penfield, Perinton, Pitts-
197 ford, Rush and Webster, and the fourth, sixth, seventh,
198 eighth, twelfth, thirteenth, fourteenth, sixteenth, seven-
199 teenth and eighteenth wards of the city of Rochester, as at
200 present constituted.

201 District number forty-four (44) shall consist of that part
202 of the county of Monroe comprising the towns of Chili,
203 Clarkson, Gates, Greece, Hamlin, Ogden, Parma, Riga,
204 Sweden and Wheatland, and the first, second, third, fifth,
205 ninth, tenth, eleventh, fifteenth, nineteenth and twentieth
206 wards of the city of Rochester, as at present constituted.

207 District number forty-five (45) shall consist of the
208 counties of Niagara, Genesee and Orleans.

209 District number forty-six (46) shall consist of the
210 counties of Allegany, Livingston and Wyoming.

211 District number forty-seven (47) shall consist of that
212 part of the county of Erie comprising the first, second,
213 third, sixth, fifteenth, nineteenth, twentieth, twenty-first,
214 twenty-second, twenty-third and twenty-fourth wards of
215 the city of Buffalo, as at present constituted.

216 District number forty-eight (48) shall consist of that part
217 of the county of Erie comprising the fourth, fifth, seventh,
218 eighth, ninth, tenth, eleventh, twelfth, thirteenth, four-
219 teenth and sixteenth wards of the city of Buffalo, as at
220 present constituted.

221 District number forty-nine (49) shall consist of that part
222 of the county of Erie comprising the seventeenth, eigh-
223 teenth and twenty-fifth wards of the city of Buffalo, as at

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224 present constituted; and all the remainder of the said
225 county of Erie not hereinbefore described.
226 District number fifty (50) shall consist of the counties of
227 Chautauqua and Cattaraugus.

Source

Const. 1777, Art. XII; amended in 1801, Art. III;⁴ amended, Const. 1821, Art. I, § 5; amended, Const. 1846, Art. III, § 3; amended, Const 1894, Art. III, § 3.

Lincoln's Constitutional History

For an exhaustive historical and statistical statement (including tables of population and apportionments) of the senate apportionments in this state from 1777 to 1905, consult the following references:

Under the first Constitution, 1777, III:168-175; IV:341-342.

Under the second Constitution, 1821, III:175-181; IV:342.

Under the third Constitution, 1846, III:181-192; IV:342.

The apportionment of 1892, III:192-204.

The apportionment of 1894, III:204-230; IV:342-344.

References to constitutional conventions.

1777. I:517-522. 1821. I:638-639. 1846. II:127. 1867. II:317-319. 1894. III:206-229; IV:342-345.

Debates of constitutional conventions

1821. 418-419 (Oct. 13), 428-430 (Oct. 15), 466-478 (Oct. 18), 559-560 (Oct. 29).

1846. 419-422 (July 24), 430-431 (July 27), 458-461 (July 29), 465-468 (July 30).

1867. I:675-699, 702-716, 748-749, 758-789; II:819-848, 869-873; V:3586-3588, 3678-3682, 3866-3867.

1894. III:343-348 (III:1467-1471); III:987-1215 (IV:1830-1964); III:1223-1242 (IV:1969-1979); IV:6-37 (IV:1982-1999); IV:48-56 (IV:2004-2009); IV:78-96 (V:2021-2030); IV:644-694 (V:2325-2354).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 132, 219 (Int. 217), 229 (Int. 227), 292 (Int. 288), 359 (Int. 350), 404-454 (Int. 376).^{4a}

In the legislature, 1894-1914: see Part II, post, p. 54.

State
census

1 § 4. An enumeration of the inhabitants of the State shall
2 be taken under the direction of the Secretary of State, dur-
3 ing the months of May and June, in the year one thousand

⁴ For the text of the constitutional amendment of 1801, see Lincoln's Constitutional History, I:190.

^{4a} This overture was adopted by the convention and accordingly became a part of the Constitution.

Article III, § 4

4 nine hundred and five, and in the same months every tenth
 5 year thereafter; and the said districts shall be so altered by
 6 the Legislature at the first regular session after the return of
 7 every enumeration, that each senate district shall contain as
 8 nearly as may be an equal number of inhabitants, excluding
 9 aliens, and be in as compact form as practicable, and shall
 10 remain unaltered until the return of another enumeration,
 11 and shall at all times, consist of contiguous territory, and no
 12 county shall be divided in the formation of a senate district
 13 except to make two or more senate districts wholly in such
 14 county. No town, and no block in a city inclosed by streets
 15 or public ways, shall be divided in the formation of senate
 16 districts; nor shall any district contain a greater excess in
 17 population over an adjoining district in the same county,
 18 than the population of a town or block therein adjoining
 19 such district. Counties, towns or blocks which, from their
 20 location, may be included in either of two districts, shall be
 21 so placed as to make said districts most nearly equal in
 22 number of inhabitants, excluding aliens.

Senate districts; formation and alteration

23 No county shall have four or more senators unless it shall
 24 have a full ratio for each senator. No county shall have
 25 more than one-third of all the senators; and no two counties
 26 or the territory thereof as now organized, which are adjoining
 27 counties, or which are separated only by public waters,
 28 shall have more than one-half of all the senators.

Number of senators in counties

29 The ratio for apportioning senators shall always be ob-
 30 tained by dividing the number of inhabitants, excluding
 31 aliens, by fifty, and the Senate shall always be composed of
 32 fifty members, except that if any county having three or
 33 more senators at the time of any apportionment shall be
 34 entitled on such ratio to an additional senator or senators,
 35 such additional senator or senators shall be given to such
 36 county in addition to the fifty senators, and the whole
 37 number of senators shall be increased to that extent.

Ratio for apportionment

Source

Const. 1821, Art. I, § 6; amended, Const. 1846, Art. III, § 4;
 amended, Const. 1894, Art. III, § 4. See also Const. 1777, Art.
 V, and amendments of 1801, Art. IV.^{4b}

^{4b} For the text of the constitutional amendment of 1801, see Lincoln's Constitutional History, I:191.

Article III, § 5

Lincoln's Constitutional History

For comment on this section and court decisions construing it, see IV:345-346. See also the notes to the preceding section.

Debates of constitutional conventions

1821. 399-416 (Oct. 11-12).

1846. 383-395 (July 21-22), 408-414 (July 23), 465-468 (July 30).

1867. II:873-875, 1195-1196.

1894. III:343-348 (III:1467-1470); III:987-1215 (V:1830-1964);

III:1223-1242 (IV:1969-1979); IV:6-37 (IV:1982-1999); IV:

56-57 (IV:2009); IV:78-96 (V:2021-2030); IV:357-376 (V:

2164-2174); IV:644-694 (V:2325-2354).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 48, 92, 132, 219 (Int. 217), 229

(Int. 227), 292 (Int. 288), 359 (Int. 350), 404-454 (Int. 376).^{4c}

In the legislature, 1895-1914: see Part II, post, pp. 55-58.

Assembly
apportion-
ment

1 § 5. The members of the Assembly shall be chosen by
2 single districts, and shall be apportioned by the Legislature
3 at the first regular session after the return of every enu-
4 meration among the several counties of the State, as nearly
5 as may be according to the number of their respective in-
6 habitants, excluding aliens. Every county heretofore es-
7 tablished and separately organized, except the county of
8 Hamilton, shall always be entitled to one member of assem-
9 bly, and no county shall hereafter be erected unless its
10 population shall entitle it to a member. The county of
11 Hamilton shall elect with the county of Fulton, until the
12 population of the county of Hamilton shall, according to
13 the ratio, entitle it to a member. But the Legislature may
14 abolish the said county of Hamilton and annex the territory
15 thereof to some other county or counties. The quotient
16 obtained by dividing the whole number of inhabitants of
17 the State, excluding aliens, by the number of members
18 of assembly, shall be the ratio for apportionment, which
19 shall be made as follows: One member of assembly shall
20 be apportioned to every county, including Fulton and
21 Hamilton as one county, containing less than the ratio and
22 one-half over. Two members shall be apportioned to every
23 other county. The remaining members of assembly shall be
24 apportioned to the counties having more than two ratios
25 according to the number of inhabitants, excluding aliens.

Ratio for
apportion-
ment

^{4c} This overture was adopted by the convention and accordingly became a part of the Constitution.

Article III, § 5

26 Members apportioned on remainders shall be apportioned to
27 the counties having the highest remainders in the order
28 thereof respectively. No county shall have more members
29 of assembly than a county having a greater number of in-
30 habitants, excluding aliens.

31 Until after the next enumeration, members of the Assem-
32 bly shall be apportioned to the several counties as follows:

Number of
assembly-
men in each
county

33 Albany county, four members; Allegany county, one mem-
34 ber; Broome county, two members; Cattaraugus county,
35 two members; Cayuga county, two members; Chautauqua
36 county, two members; Chemung county, one member;
37 Chenango county, one member; Clinton county, one
38 member; Columbia county, one member; Cortland
39 county, one member; Delaware county, one member;
40 Dutchess county, two members; Erie county, eight
41 members; Essex county, one member; Franklin county,
42 one member; Fulton and Hamilton counties, one mem-
43 ber; Genesee county, one member; Greene county, one
44 member; Herkimer county, one member; Jefferson county,
45 two members; Kings county, twenty-one members; Lewis
46 county, one member; Livingston county, one member;
47 Madison county, one member; Monroe county, four mem-
48 bers; Montgomery county, one member; New York county,
49 thirty five members; Niagara county, two members; Oneida
50 county, three members; Onondaga county, four members;
51 Ontario county, one member; Orange county, two members;
52 Orleans county, one member; Oswego county, two members;
53 Otsego county, one member; Putnam county, one member;
54 Queens county, three members; Rensselaer county, three
55 members; Richmond county, one member; Rockland county,
56 one member; St. Lawrence county, two members; Saratoga
57 county, one member; Schenectady county, one member;
58 Schoharie county, one member; Schuyler county, one mem-
59 ber; Seneca county, one member; Steuben county, two mem-
60 bers; Suffolk county, two members; Sullivan county, one
61 member; Tioga county, one member; Tompkins county, one
62 member; Ulster county, two members; Warren county, one
63 member; Washington county, one member; Wayne county,
64 one member; Westchester county, three members; Wyoming
65 county, one member, and Yates county, one member.

Article III, § 5

Division of
counties
into as-
sembly
districts

66 In any county entitled to more than one member, the
67 board of supervisors, and in any city embracing an entire
68 county and having no board of supervisors, the common
69 council, or if there be none, the body exercising the powers
70 of a common council, shall assemble on the second Tuesday
71 of June, one thousand eight hundred and ninety-five, and at
72 such times as the Legislature making an apportionment shall
73 prescribe, and divide such counties into assembly districts
74 as nearly equal in number of inhabitants, excluding aliens,
75 as may be, of convenient and contiguous territory in as com-
76 pact form as practicable, each of which shall be wholly
77 within a senate district formed under the same apportion-
78 ment, equal to the number of members of assembly to which
79 such county shall be entitled, and shall cause to be filed in
80 the office of the Secretary of State and of the clerk of such
81 county, a description of such districts, specifying the number
82 of each district and of the inhabitants thereof, excluding
83 aliens, according to the last preceding enumeration; and
84 such apportionment and districts shall remain unaltered
85 until another enumeration shall be made, as herein provided;
86 but said division of the city of Brooklyn and the county of
87 Kings to be made on the second Tuesday of June, one
88 thousand eight hundred and ninety-five, shall be made by
89 the common council of the said city and the board of super-
90 visors of said county, assembled in joint session. In counties
91 having more than one senate district, the same number of
92 assembly districts shall be put in each senate district, unless
93 the assembly districts cannot be evenly divided among the
94 senate districts of any county, in which case one more
95 assembly district shall be put in the senate district in such
96 county having the largest, or one less assembly district shall
97 be put in the senate district in such county having the
98 smallest number of inhabitants, excluding aliens, as the
99 case may require. No town, and no block in a city inclosed
100 by streets or public ways, shall be divided in the formation
101 of assembly districts, nor shall any district contain a
102 greater excess in population over an adjoining district in the
103 same senate district, than the population of a town or block
104 therein adjoining such assembly district. Towns or blocks
105 which, from their location, may be included in either of two

Article III, § 5

106 districts, shall be so placed as to make said districts most
 107 nearly equal in number of inhabitants, excluding aliens; but
 108 in the division of cities under the first apportionment, regard
 109 shall be had to the number of inhabitants, excluding aliens,
 110 of the election districts according to the state enumeration
 111 of one thousand eight hundred and ninety-two, so far as may
 112 be, instead of blocks. Nothing in this section shall prevent
 113 the division, at any time, of counties and towns, and the
 114 erection of new towns by the Legislature. An apportion-
 115 ment by the Legislature, or other body, shall be subject
 116 to review by the Supreme Court, at the suit of any citizen,
 117 under such reasonable regulations as the Legislature
 118 may prescribe; and any court before which a cause
 119 may be pending involving an apportionment, shall give
 120 precedence thereto over all other causes and proceedings,
 121 and if said court be not in session it shall convene promptly
 122 for the disposition of the same.

Review of
 apportion-
 ment by
 supreme
 court

Source

Const. 1821, Art. I, § 7; amended, Const. 1846, Art. III, § 5;
 amended in 1874;^{4d} amended, Const. 1894, Art. III, § 5. See also
 Const. 1777, Art. V, and amendments of 1801, Art. II.^{4d}

Lincoln's Constitutional History

For an exhaustive historical and statistical statement (including
 tables of population and apportionments) of assembly apportion-
 ments in this colony and state, see III:134-137; IV:350-352, and
 also the following references:

During the colonial period, III:137-151.

Under the first Constitution, 1777, III:152-159.

From the second Constitution, 1821, to 1894, III:159-167.

For a statement of the rules to follow in determining the number of
 assemblymen to be apportioned to each county, see III:229-230
 (these rules are repeated in IV:351).

For court decisions construing this section, see IV:352-355.

References to constitutional conventions and commissions.

1777. I:505-507. 1821. I:639. 1846. II:128-132. 1867. II:
 319-320. 1872. II:487-490. 1894. IV:350-352.

Debates of constitutional conventions

1821. 399-416 (Oct. 11-12).

1846. 422-429 (July 24-25), 444-453 (July 28), 468-469 (July 30),
 477-478 (July 31).

1867. I:304-306; II:852-867, 875-877, 1195-1196; V:3589-3591.

^{4d} For the text of the constitutional amendments of 1874 and 1801, see
 Lincoln's Constitutional History, I:297-298, 189.

Article III, § 6

1894. III:343-348 (III:1467-1470); III:987-1215 (IV:1830-1964); III:1223-1242 (IV:1969-1979); IV:6-37 (IV:1982-1999); 78-96 (V:2021-2030); IV:357-376 (V:2164-2174); IV:644-694 (V:2325-2354).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 48, 132, 165, 219 (Int. 217), 229 (Int. 227), 292 (Int. 288), 359 (Int. 350), 404-454 (Int. 376).⁵

In the legislature, 1895-1914: see Part II, post, pp. 61-64.

Compensation of members of legislature

1 § 6. Each member of the Legislature shall receive for his
2 services an annual salary of one thousand five hundred dol-
3 lars. The members of either house shall also receive the sum
4 of one dollar for every ten miles they shall travel in going
5 to and returning from their place of meeting, once in each
6 session, on the most usual route. Senators, when the Senate
7 alone is convened in extraordinary session, or when serving
8 as members of the Court for the Trial of Impeachments, and
9 such members of the Assembly, not exceeding nine in number,
10 as shall be appointed managers of an impeachment, shall re-
11 ceive an additional allowance of ten dollars a day.

Source

Const. 1821, Art. I, § 9; amended, Const. 1846, Art. III, § 6; amended 1874.

Lincoln's Constitutional History

References to constitutional conventions and commissions.

1821. I:639. 1846. II:132-133. 1867. II:320-321. 1872. II:490-491.

Debates of constitutional conventions

1821. 420-423 (Oct. 13).

1846. 431-436 (July 27), 470-474 (July 31).

1867. I:761; II:877-878, 1013; V:3456-3457, 3591-3593, 3606

1894. III:356 (III:1474).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 16-456 (Int. 16), 27, 219 (Int. 217), 292 (Int. 288).

In the legislature, 1895-1914: see Part II, post, pp. 64-67.

Member of legislature not to hold other civil office

1 § 7. No member of the Legislature shall receive any civil
2 appointment within this State, or the Senate of the United

⁵ This overture was adopted by the convention and accordingly became a part of the Constitution.

Article III, § 8

3 States, from the Governor, the Governor and Senate, or from
4 the Legislature, or from any city government, during the time
5 for which he shall have been elected; and all such appoint-
6 ments and all votes given for any such member for any such
7 office or appointment shall be void.

Source

Const. 1821, Art. I, § 10; amended, Const. 1846, Art. III, § 7;
amended 1874.

Lincoln's Constitutional History

For history of this section and comment thereon, see IV:356-360.

References to constitutional conventions and commissions.

1821. I:639; IV:356-357. 1846. IV:357. 1872. IV:358.

Debates of constitutional conventions

1821. 424-428 (Oct. 13). 1867. II:878-879; V:3607-3608.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional
Amendments, Overture No. 219 (Int. 217).

1 § 8. No person shall be eligible to the Legislature, who at
2 the time of his election, is, or within one hundred days previous
3 thereto has been, a member of Congress, a civil or military
4 officer under the United States, or an officer under any city
5 government. And if any person shall, after his election as a
6 member of the Legislature, be elected to Congress, or ap-
7 pointed to any office, civil or military, under the government
8 of the United States, or under any city *government, his accept-
9 ance thereof shall vacate his seat.^a

Certain
officers dis-
qualified as
members

Source

Const. 1821, Art. I, § 11; amended, Const. 1846, Art. III, § 8;
amended 1874.

Lincoln's Constitutional History

For annotations, see IV:361.

References to constitutional conventions and commissions.

1821. I:639. 1872. II:492-493.

Debates of constitutional conventions

1821. 431-434 (Oct. 15). 1846. 436-443 (July 27).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional
Amendments, Overtures Nos. 71, 131-455 (Int. 131), 219 (Int.
217).

* So in original.

^a For certain proposed qualifications for members of the legislature, see
Supplemental Notes following Article XV, post, under the title Legislature.

Article III, § 9

Time of
elections of
members of
legislature

- 1 § 9. The elections of senators and members of assembly,
2 pursuant to the provisions of this Constitution, shall be held
3 on the Tuesday succeeding the first Monday of November,
4 unless otherwise directed by the Legislature.

Source

Const. 1821, Art. I, § 15; amended, Const. 1846, Art. III, § 9.

Lincoln's Constitutional History

For a chronological sketch of the statutory and constitutional provisions in this state from 1778 regulating the time of election of the members of the legislature, see IV:361-363.

References to constitutional conventions.

1821. IV:362.

Debates of constitutional conventions

1867. II:880.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overture No. 219 (Int. 217).

Quorum of
each house

Powers of
each house

Temporary
president
of senate

- 1 § 10. A majority of each house shall constitute a quorum
2 to do business. Each house shall determine the rules of its
3 own proceedings, and be the judge of the elections, returns
4 and qualifications of its own members; shall choose its own
5 officers; and the Senate shall choose a temporary president to
6 preside in case of the absence or impeachment of the Lieuten-
7 ant-Governor, or when he shall refuse to act as president, or
8 shall act as Governor.

Source

Const. 1821, Art. I, § 3; amended, Const. 1846, Art. III, § 10;
amended, Const. 1894, Art. III, § 10. See also Const. 1777, Art. IX.

Lincoln's Constitutional History

For comment on this section and court decisions construing it, see IV:363-364.

For history of the provision relating to the temporary president of the senate from 1777 to 1894, see III:230-235.

For history of the movement to amend this section by depriving the legislature of the power to determine the election and qualifications of its own members and transferring jurisdiction in such cases to the courts, see II:576, 581-582.

Debates of constitutional conventions

1867. Powers of senate and assembly, II:880-881.

1894. President pro tem of the senate, II:26-31 (II:637-639), II:484-489 (II:882-885); IV:414-416 (V:2195-2196).

Article III, § 13

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 149, 218-382 (Int. 216),⁷ 219 (Int. 217).

In the legislature, 1895-1914: see Part II, post, p. 68.

- 1 § 11. Each house shall keep a journal of its proceedings, and
 2 publish the same, except such parts as may require secrecy. Journals of
 3 The doors of each house shall be kept open, except when the Open ses-
 4 public welfare shall require secrecy. Neither house shall, sions
 5 without the consent of the other, adjourn for more than two Adjourn-
 6 days. ments

Source

Const. 1777, Art. XV; amended, Const. 1821, Art. 1, § 4; continued without change in Const. 1846, Art. III, § 11.

Lincoln's Constitutional History

For comment upon this section, especially with respect to the power of the assembly during the colonial period to fix the times of its own meetings and adjourn from time to time at its own pleasure, see IV:365.

Debates of constitutional conventions

1867. Adjournments, II:881-882.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overture No. 219 (Int. 217).

- 1 § 12. For any speech or debate in either house of the Legis- Privileges
 2 lature, the members shall not be questioned in any other place. of members

Source

Const. 1846, Art. III, § 12.

Lincoln's Constitutional History

For brief historical note on this section, see IV:365-366.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overture No. 219 (Int. 217).

- 1 § 13. Any bill may originate in either house of the Legis- Bills may
 2 lature, and all bills passed by one house may be amended by originate or
 3 the other.⁸ be amended
 in either
 house

Source

Const. 1821, Art. I, § 8; continued without change in Const. 1846, Art. III, § 13.

⁷ This overture was adopted by the convention and accordingly became a part of the Constitution.

⁸ For limitation upon the time of the introduction of bills, see Supplemental Notes following Article XV, post, under the title Bills.

Article III, § 14

Lincoln's Constitutional History

For historical statement of the exclusive right claimed by the colonial assembly to originate money bills, see IV:367-368.

References to constitutional conventions.

1821. I:639; IV:366-367.

Debates of constitutional conventions

1867. IV:2754.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 146-390 (Int. 146), 155, 219 (Int. 217).

Enacting
clause of
bills

- 1 § 14. The enacting clause of all bills shall be "The People
2 of the State of New York, represented in Senate and Assembly,
3 do enact as follows," and no law shall be enacted except by
4 bill.

Source

Const. 1777, Art. XXXI (omitted in Const. 1821); amended, Const. 1846, Art. III, § 14.

Lincoln's Constitutional History

For historical statement of the enacting clause in early English statutes, in the colony of New York, and in this state down to 1846 (from which time there has been no change), see IV:369-375.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overture No. 219 (Int. 217).

In the legislature, 1895-1914: see Part II, post, p. 68.

Manner of
passing
bills

- 1 § 15. No bill shall be passed or become a law unless it shall
2 have been printed and upon the desks of the members, in its
3 final form, at least three calendar legislative days prior to its
4 final passage, unless the Governor, or the acting Governor,
5 shall have certified to the necessity of its immediate passage,
6 under his hand and the seal of the State; nor shall any bill be
7 passed or become a law, except by the assent of a majority
8 of the members elected to each branch of the Legislature;
9 and upon the last reading of a bill, no amendment thereof
10 shall be allowed, and the question upon its final passage shall
11 be taken immediately thereafter, and the yeas and nays en-
12 tered on the journal.⁹

Source

Const. 1846, Art. III, § 15; amended, Const. 1894, Art. III, § 15.

⁹ For suggested restrictions upon the manner of passing local or private bills, see Supplemental Notes following Article XV, post, under the title Bills.

Article III, § 16

Lincoln's Constitutional History

For court decisions under this section prior to the constitutional amendment of 1894, see IV:376-377.

For discussion of the subject of the consideration and passage of bills, see III:235-244; for special comment on the "emergency message" of the governor, see IV:242-244.

References to constitutional conventions and commissions.

1867. II:321-322. 1872. II:494-495. 1894. III:235-244.

Debates of constitutional conventions

1867. Signing of bills and resolutions by presiding officer in the presence of the house, II:1302-1304.

1894. I:6 (I:7), I:478-490 (I:246-252), I:671-676 (I:348-351), I:695-696 (I:362), I:887-917 (I:468-483).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 73-173-290-365 (Int. 73),¹⁰ 219 (Int. 217), 248 (Int. 246), 288-396 (Int. 286).

In the legislature, 1895-1914: see Part II, post, p. 69.

- 1 § 16. No private or local bill, which may be passed by the
 2 Legislature, shall embrace more than one subject, and that
 3 shall be expressed in the title.

Private or
 local bills
 limited to
 one subject
 to be ex-
 pressed in
 title

Source

Const. 1846, Art. III, § 16.

Lincoln's Constitutional History

For historical basis of this section, see IV:377-378.

For court decisions dealing with the general principles of this section, see IV:380-382.

For a chronological list of statutes from 1847 to 1901 with the court decisions holding them valid under this section, see IV:383-402; for a chronological list of statutes from 1854 to 1904 with the court decisions holding them invalid under this section, see IV:403-410.

References to constitutional conventions and commissions.

1872. II:493-494.

Debates of constitutional conventions

1846. 176-177 (June 27).

1867. III:2102-2104.

1894. Certain limitations proposed as to general bills, III:142-155 (III:1358-1365).

¹⁰ This overture was adopted by the convention and accordingly became a part of the Constitution.

Article III, § 17

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 11-418 (Int. 11), 63, 154, 214-388 (Int. 212), 219 (Int. 217), 201-427 (Int. 200), 306 (Int. 300), 330-407 (Int. 322).

Existing
laws not
applicable
by refer-
ence

- 1 § 17. No act shall be passed which shall provide that any
- 2 existing law, or any part thereof, shall be made or deemed a
- 3 part of said act, or which shall enact that any existing law, or
- 4 part thereof, shall be applicable, except by inserting it in such
- 5 act.

Source

Amendment of 1874.

Lincoln's Constitutional History

For comment upon this section, see IV:410-411.

For chronological list of statutes from 1875 to 1901 with the court decisions construing them in the light of this section, see IV:411-415.

References to constitutional conventions and commissions.
1872. II:494.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 219 (Int. 217), 283 (Int. 281).

Cases in
which pri-
vate or
local bills
shall not
be passed

- 1 § 18. The legislature shall not pass a private or local bill
- 2 in any of the following cases:¹¹
- 3 Changing the names of persons.
- 4 *Lay out, opening, altering, working or discontinuing
- 5 roads, highways or alleys, or for draining swamps or other
- 6 low lands.
- 7 Locating or changing county seats.
- 8 Providing for changes of venue in civil or criminal cases.
- 9 Incorporating villages.
- 10 Providing for election of members of boards of supervisors.
- 11 Selecting, drawing, summoning or empanelling grand or
- 12 petit jurors.
- 13 Regulating the rate of interest on money.

¹¹ For other suggested restrictions upon the manner of passing local or private bills, see Supplemental Notes following Article XV, post, under the title Bills.

* So in original.

Article III, § 18

14 The opening and conducting of elections or designating
15 places of voting.

16 Creating, increasing or decreasing fees, percentage or
17 allowances of public officers, during the term for which said
18 officers are elected or appointed.

19 Granting to any corporation, association or individual the
20 right to lay down railroad tracks.

21 Granting to any private corporation, association or indi-
22 vidual any exclusive privilege, immunity or franchise what-
23 ever.

24 Granting to any person, association, firm or corporation
25 an exemption from taxation on real or personal property.

26 Providing for building bridges, and chartering companies
27 for such purposes, except on the Hudson river below Water-
28 ford, and on the East river, or over the waters forming a
29 part of the boundaries of the state.

30 The legislature shall pass general laws providing for the
31 cases enumerated in this section, and for all other cases which
32 in its judgment, may be provided for by general laws. But
33 no law shall authorize the construction or operation of a
34 street railroad except upon the condition that the consent
35 of the owners of one-half in value of the property bounded
36 on, and the consent also of the local authorities having the
37 control of that portion of a street or highway upon which
38 it is proposed to construct or operate such railroad be first
39 obtained, or in case the consent of such property owners can-
40 not be obtained, the appellate division of the supreme court,
41 in the department in which it is proposed to be constructed,
42 may, upon application, appoint three commissioners who shall
43 determine, after a hearing of all parties interested, whether
44 such railroad ought to be constructed or operated, and their
45 determination, confirmed by the court, may be taken in lieu
46 of the consent of the property owners.

General laws to provide for enumerated cases

Restrictions on laws governing street railroads

Source

Amendment of 1874; amended in 1901.¹²

Lincoln's Constitutional History

For court decisions construing certain parts of this section, see the following pages in volume 4:

¹² The amendment of 1901 added the lines 24-25. For explanation of this amendment, see Lincoln's Constitutional History, III:680-681. For its legislative history and the action of the people thereon, see Part II, post, pp. 70-71.

Article III, § 19

Line 3, page 418. Lines 4-6, pages 418-420. Line 7, pages 420-421. Line 8, page 421. Line 9, page 421. Line 10, pages 421-422. Lines 11-12, page 423. Lines 16-18, pages 424-425. Lines 19-20, pages 425-427. Lines 21-23, pages 427-430. Lines 26-29, page 430. Lines 30-46, pages 431-434.

For historical comment on this section, including references to the work of the constitutional convention of 1867-68 and the constitutional commission of 1872, see II:323-327, 497-501, and IV:417-418.

Debates of constitutional conventions

1867. II:1379-1381, 1385-1386; III:2102-2128; IV:2777-2785, 2801-2803, 3111-3117; V:3603-3609, 3683-3685.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 87, 115-424 (Int. 115), 116-386 (Int. 116), 124, 147, 219 (Int. 217), 299 (Int. 295), 309 (Int. 303), 320 (Int. 312), 354 (Int. 345), 369 (Int. 362).

In the legislature, 1895-1914: see Part II, post, pp. 70-73.

Private
claims
against
state not to
be audited
by legisla-
ture

- 1 § 19. The Legislature shall neither audit nor allow any
- 2 private claim or account against the State, but may appro-
- 3 priate money to pay such claims as shall have been audited and
- 4 allowed according to law.¹³

Source

Amendment of 1874.

Lincoln's Constitutional History

For court decisions construing this section, see IV:434-435.

References to constitutional conventions and commissions.

1872. II:501-502.

Debates of constitutional conventions

1867. II:1319-1348; IV:2755.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 217-391 (Int. 215), 219 (Int. 217).

In the legislature, 1895-1914: see Part II, post, p. 73.

Appropriation of
public
property
for local
or private
purposes;
two-thirds
vote re-
quired

- 1 § 20. The assent of two-thirds of the members elected to
- 2 each branch of the Legislature shall be requisite to every bill
- 3 appropriating the public moneys or property for local or
- 4 private purposes.

Source

Const. 1821, Art. VII, § 9; amended, Const. 1846, Art. I, § 9; continued without change in Const. 1894, Art. III, § 20.

¹³ For references to the court of claims see Supplemental Notes following Article XV, post, under the title Court of claims.

Article III, § 22

Lincoln's Constitutional History

For comment on this section and court decisions construing it, see IV:435-439.

This section, as it existed in the Constitution of 1821, included the following words at the end thereof, namely "or creating, continuing, altering, or renewing, any body politic or corporate." For court decisions construing this provision, see I:215-216.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 81, 219 (Int. 217).

1 § 21. No money shall ever be paid out of the treasury of Appropriation bills
 2 this State, or any of its funds, or any of the funds under its
 3 management, except in pursuance of an appropriation by
 4 law; nor unless such payment be made within two years next
 5 after the passage of such appropriation act; and every such
 6 law making a new appropriation, or continuing or reviving
 7 an appropriation, shall distinctly specify the sum appro-
 8 priated, and the object to which it is to be applied; and it
 9 shall not be sufficient for such law to refer to any other law
 10 to fix such sum.

Source

Const. 1846, Art. VII, § 8; continued without change in Const. 1894, Art. III, § 21.

Lincoln's Constitutional History

For court decisions construing this section, see IV:439-440.

References to constitutional conventions.

1846. II:182-184.

Debates of constitutional conventions

1846. 940-943 (Sept. 22). 1867. III:1840.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overture No. 219 (Int. 217).

In the legislature, 1895-1914: see Part II, post, p. 74.

1 § 22. No provision or enactment shall be embraced in the Appropriation bills not to embrace other subjects
 2 annual appropriation or supply bill, unless it relates specifi-
 3 cally to some particular appropriation in the bill; and any
 4 such provision or enactment shall be limited in its operation
 5 to such appropriation.

Source

Const. 1894, Art. III, § 22.

Article III, § 23

Lincoln's Constitutional History

References to constitutional conventions.

1894. III:244-245.

Debates of constitutional conventions

1894. II:599-601 (II:945-946).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 11-418 (Int. 11),¹⁴ 299 (Int. 295).

In the legislature, 1895-1914: see Part II, post, p. 75.

Statutory
revision
bills ex-
cepted from
certain
sections

- 1 § 23. Sections seventeen and eighteen of this article shall**
2 not apply to any bill, or the amendments to any bill, which
3 shall be reported to the Legislature by commissioners who have
4 been appointed pursuant to law to revise the statutes.

Source

Amendment of 1874.

Lincoln's Constitutional History

For comment upon this section and the judicial construction thereof,
see IV:441.

References to constitutional conventions and commissions.

1872. II:505-507.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overture No. 154, 299 (Int. 295).

In the legislature, 1895-1914: see Part II, post, p. 75.

Tax laws
to state
amount and
object

- 1 § 24. Every law which imposes, continues or revives a tax**
2 shall distinctly state the tax and the object to which it is to be
3 applied, and it shall not be sufficient to refer to any other law
4 to fix such tax or object.

Source

Const. 1846, Art. VII, § 13; continued without change in amendments
of 1874, Art. III, § 20, and in Const. 1894, Art. III, § 24.

Lincoln's Constitutional History

For judicial decisions construing this section, see IV:441-444.

References to constitutional conventions.

1846. II:182.

Debates of constitutional conventions

1867. III:1881-1882.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overture No. 257 (Int. 255).

¹⁴ This overture was adopted by the convention and accordingly became a part of the Constitution.

Article III, § 26

1 § 25. On the final passage, in either house of the Legisla-
 2 ture, of any act which imposes, continues or revives a tax, or
 3 creates a debt or charge, or makes, continues or revives any
 4 appropriation of public or trust money or property, or releases,
 5 discharges or commutes any claim or demand of the State, the
 6 question shall be taken by yeas and nays, which shall be duly
 7 entered upon the journals, and three-fifths of all the members
 8 elected to either house shall, in all such cases, be necessary to
 9 constitute a quorum therein.

Quorum of
three-fifths
necessary
for passing
certain
bills

Source

Const. 1846, Art. VII, § 14; continued without change in the amend-
 ments of 1874, Art. III, § 21, and in Const. 1894, Art. III, § 25.

Lincoln's Constitutional History

For court decisions construing this section, see IV:444-445.

Debates of constitutional conventions

1867. III:1992-2018, 2250-2259.

1 § 26. There shall be in each county, except in a county
 2 wholly included in a city, a board of supervisors, to be com-
 3 posed of such members and elected in such manner and for
 4 such period as is or may be provided by law. In a city which
 5 includes an entire county, or two or more entire counties, the
 6 powers and duties of a board of supervisors may be devolved
 7 upon the municipal assembly, common council, board of alder-
 8 men or other legislative body of the city.

Boards of
supervisors

Source

Amendments of 1874, Art. III, § 22; continued without change in
 Const. 1894, Art. III, § 26; amended in 1899.¹⁵

Lincoln's Constitutional History

For history of the legislation relating to New York city and to the
 erection of the county of Nassau, resulting from the situation
 created by this constitutional provision, see IV:445-447.

References to constitutional conventions and commissions.

1867. II:348-351. 1872. 502-504.

Debates of constitutional conventions

1846. 1069-1070 (Oct. 7).

1867. V:3509-3523, 3653-3663.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional
 Amendments, Overtures Nos. 55, 286 (Int. 284), 341 (Int. 332).

In the legislature, 1895-1914: see Part II, post, pp. 75-76.

¹⁵ For the legislative history of this amendment and the action of the
 people thereon, see Part II, post, pp. 75-76.

Article III, § 27

Delegation
of local
legislative
and admin-
istrative
powers

1 § 27. The legislature shall, by general laws, confer upon
2 the boards of supervisors of the several counties of the state
3 such further powers of local legislation and administration
4 as the legislature may, from time to time, deem expedient,
5 and in counties which now have, or may hereafter have,
6 county auditors or other fiscal officers, authorized to audit
7 bills, accounts, charges, claims or demands against the
8 county, the legislature may confer such powers upon said
9 auditors, or fiscal officers, as the legislature may, from time
10 to time deem expedient.¹⁶

Source

Const. 1846, Art. III, § 17; amended in 1874, Art. III, § 24; continued without change in Const. 1894, Art. III, § 27; amended 1909.¹⁷

Lincoln's Constitutional History

For comment upon this section and court decisions construing it, see IV:448-451.

References to constitutional conventions and commissions.

1872. II:504.

Debates of constitutional conventions

1846. 1069-1070 (Oct. 7). 1867. I:756-757.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overture No. 250 (Int. 248).

In the legislature, 1895-1914: see Part II, post, pp. 76-77.

Extra com-
pensation
to public
officers
prohibited

1 § 28. The Legislature shall not, nor shall the common coun-
2 cil of any city, nor any board of supervisors, grant any extra
3 compensation to any public officer, servant, agent or con-
4 tractor.^{17a}

Source

Amendments of 1874, Art. III, § 24; continued without change in Const. 1894, Art. III, § 28.

Lincoln's Constitutional History

For court decisions construing this section, see IV:451-453.

References to constitutional conventions and commissions.

1867. II:322-323, 327-328. 1872. II:504-505. 1894. III:297-298.

¹⁶ For local option in the sale of intoxicating liquors, see Supplemental Notes following Article XV, post, under the title Intoxicating liquors.

¹⁷ For legislative history of this amendment and action of people thereon, see Part II, post, p. 76.

^{17a} See notes to Art. X, § 9, and to § 18, lines 16-18, of this Article.

Article III, § 29

Debates of constitutional conventions

1867. IV:2776-2777; V:3870-3873.

1894. I:1184-1190 (II:621-624); II:704-746 (III:1011-1027); II:748-765 (III:1027-1038).

1 § 29. The Legislature shall, by law, provide for the occu- Prison
 2 pation and employment of prisoners sentenced to the several labor
 3 state prisons, penitentiaries, jails and reformatories in the
 4 State; and on and after the first day of January, in the year
 5 one thousand eight hundred and ninety-seven, no person in Contract
 6 any such prison, penitentiary, jail or reformatory, shall be system
 7 required or *allowd to work while under sentence thereto, abolished
 8 at any trade, industry or occupation, wherein or whereby his
 9 work, or the product or profit of his work, shall be farmed
 10 out, contracted, given or sold to any person, firm, association
 11 or corporation. This section shall not be construed to prevent Work for
 12 the Legislature from providing that convicts may work for, state or
 13 and that the products of their labor may be disposed of to, political
 14 the State or any political division thereof, or for or to any subdivision
 15 public institution owned or managed and controlled by the excepted
 16 State, or any political division thereof.

Source

Const. 1894, Art. III, § 29.

Lincoln's Constitutional History

For an exhaustive history of legislation in this state on the subject
 of convict labor, including references to governors' messages and
 special reports, from 1796 to 1894, see III:246-287.

For court decisions construing this section, see IV:453-454.

References to constitutional conventions.

1894. III:287-297.

Debates of constitutional conventions

1894. III:163-238 (III:1369-1409); IV:513-533 (V:2248-2259), IV:
 1236-1249 (VI:2670-2679).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional
 Amendments, Overture No. 117-392 (Int. 117).¹⁸

In the legislature, 1895-1914: see Part II, post, pp. 78-79.

¹⁸ This overture was adopted by the convention and accordingly became
 a part of the Constitution.

* So in original.

Article IV, § 1

ARTICLE IV

Governor
and lieu-
tenant-
governor;
term of
office

- 1 Section 1. The executive power shall be vested in a Governor,
- 2 who shall hold his office for two years; a Lieutenant-Governor
- 3 shall be chosen at the same time, and for the same term. The
- 4 Governor and Lieutenant-Governor elected next preceding the
- 5 time when this section shall take effect, shall hold office until
- 6 and including the thirty-first day of December, one thousand
- 7 eight hundred and ninety-six, and their successors shall be
- 8 chosen at the general election in that year.

Source

Const. 1777, Arts. XVII and XX; amended, Const. 1821, Art. III, § 1; amended, Const. 1846, Art. IV, § 1; amended in 1874, Art. IV, § 1;¹ amended, Const. 1894, Art. IV, § 1.

Lincoln's Constitutional History

For historical statement on the office of governor from 1621 to 1894, with comment thereon, see IV:454-461. For corresponding statement on the office of lieutenant-governor from 1697 to 1777, see IV:461-463.

References to constitutional conventions and commissions.

1777. I:524-527. 1821. I:672, 668. 1846. II:133, 135. 1872. II:511-512. 1894. III:306-309.

Debates of constitutional conventions

1821. 137-141 (Sept. 12), 145-158 (Sept. 13), 174-177 (Sept. 18), 546-551 (Oct. 27).

1846. 167-172 (June 26).

1867. II:884-885, 888-893.

1894. IV:208-218 (V:2091-2097), IV:724-727 (V:2371-2373).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 4, 43, 129, 275 (Int. 273), 35-457 (Int. 35).²

In the legislature, 1895-1914: see Part II, post, p. 81.

Governor
and lieu-
tenant-
governor;
qualifica-
tions

- 1 § 2. No person shall be eligible to the office of Governor or
- 2 Lieutenant-Governor, except a citizen of the United States,
- 3 of the age of not less than thirty years, and who shall have

¹ For the text of the amendment of 1874, see Lincoln's Constitutional History, I: 303.

² This overture was adopted by the convention and accordingly became a part of the Constitution.

Article IV, § 3

4 been five years next preceding his election a resident of this
5 State.³

Source

Const. 1777, Art. XVII; amended, Const. 1821, Art. III, § 2; amended,
Const. 1846, Art. IV, § 2; amended in 1874; continued without
change in Const. 1894, Art. IV, § 2.

Lincoln's Constitutional History

For brief historical statement of the constitutional qualifications of
governor from 1777, see IV:463-464.

References to constitutional conventions and commissions.

1821. I:668. 1846. II:133, 135. 1872. II:512.

Debates of constitutional conventions

1846. Necessity for restrictive qualifications. 177-182 (June 27), 186-
220 (June 29-July 1), 227-265 (July 7-8).

Age. 186-220 (June 29-July 1), 227-265 (July 7-8), 268-278
(July 9-10).

Residence. 186-220 (June 29-July 1), 227-265 (July 7-8),
339-346 (July 17).

Native born. 172-175 (June 26).

1867. II:893-894.

1 § 3. The Governor and Lieutenant-Governor shall be Election of
2 elected at the times and places of choosing members of the governor
3 Assembly. The persons respectively having the highest num- and Lieut-
4 ber of votes for Governor and Lieutenant-Governor shall be tenant-
5 elected; but in case two or more shall have an equal and the Tie vote
6 highest number of votes for Governor, or for Lieutenant-
7 Governor, the two houses of the Legislature at its next annual
8 session shall forthwith, by joint ballot, choose one of the said
9 persons so having an equal and the highest number of votes
10 for Governor or Lieutenant-Governor.

Source

Const. 1777, Art. XVII; amended, Const. 1821, Art. III, § 3; con-
tinued without change in Const. 1846, Art. IV, § 3.

Lincoln's Constitutional History

For historical statement of the times for electing the governor and
lieutenant-governor from 1778, see IV:464-465.

Debates of constitutional conventions

1821. 123-124 (Sept. 10), 136 (Sept. 12).

1867. II:894; V:3621-3622.

³ For former property qualifications of governor and his ineligibility to
other offices, see Supplemental Notes following Article XV, post, under the
title Governor.

Article IV, § 4

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 35-457 (Int. 35), 332 (Int. 324).

In the legislature, 1895-1914: see Part II, post, p. 82.

Governor;
powers
and duties

- 1 § 4. The Governor shall be Commander-in-Chief of the
2 military and naval forces of the State. He shall have power
3 to convene the Legislature, or the Senate only, on extraor-
4 dinary occasions. At extraordinary sessions no subject
5 shall be acted upon, except such as the Governor may recom-
6 mend for consideration. He shall communicate by message
7 to the Legislature at every session the condition of the State,
8 and recommend such matters to it as he shall judge expedient.
9 He shall transact all necessary business with the officers of
10 government, civil and military. He shall expedite all such
11 measures as may be resolved upon by the Legislature, and
12 shall take care that the laws are faithfully executed. He
13 shall receive for his services an annual salary of ten thousand
14 dollars, and there shall be provided for his use a suitable
15 and furnished executive residence.⁴

Salary

Executive
residence

Source

Const. 1777, Art. XVIII; amended, Const. 1821, Art. III, § 4; continued without change in Const. 1846, Art. IV, § 4; amended in 1874,^{4a} amended, Const. 1894, Art. IV, § 4.

Lincoln's Constitutional History

Mr. Lincoln divides his consideration of this section into the following topics: military authority, IV:466-467; extraordinary sessions of the legislature, IV:467-469; messages and recommendations to the legislature, IV:469-470; transaction of public business, IV:470; expedite public measures, IV:470-471; "take care that the laws are faithfully executed," IV:471; compensation, IV:471-472.

References to constitutional conventions and commissions.

1777. General powers, I:526-528.

1821. General powers, I:668-669; messages, I:670-671; compensation, I:669-670.

1846. General powers, II:134; compensation, II:133.

1867. Extraordinary sessions, II:330-331.

1872. General powers and compensation, II:512-517.

⁴ For references to the former council of appointment, see Supplemental Notes following Article XV, post, under that title. For governor's power of appointment, removal and extradition, see Supplemental Notes under the titles Appointment, power of, Removal, power of, and Governor, respectively.

^{4a} For text of the constitutional amendment of 1874, see Lincoln's Constitutional History, I:303-304.

Article IV, § 5

Debates of constitutional conventions

1821. Messages, 173-174 (Sept. 18).

1846. General powers, 152-156 (June 24); military authority, 349-350 (July 18); compensation, 163-164 (June 25), 284-288 (July 11).

1867. General powers, II:1131-1132; compensation, I:666-667; II:885-886, 894, V:3611-3612, 3629-3630; extraordinary sessions, V:3612-3614, 3614-3617.

Texts of proposed amendments

In the legislature, 1895-1914: see Part II, post, pp. 82-84.

- 1 § 5. The Governor shall have the power to grant reprieves, Reprieves; commutations; pardons
 2 commutations and pardons after conviction, for all offenses
 3 except treason and cases of impeachment, upon such con-
 4 ditions and with such restrictions and limitations, as he may
 5 think proper, subject to such regulations as may be provided
 6 by law relative to the manner of applying for pardons.
 7 Upon conviction for treason, he shall have power to suspend Treason; special provisions relating to
 8 the execution of the sentence, until the case shall be reported
 9 to the Legislature at its next meeting, when the Legislature
 10 shall either pardon, or commute the sentence, direct the ex-
 11 ecution of the sentence, or grant a further reprieve. He shall Annual communication to legislature of reprieves, etc.
 12 annually communicate to the Legislature each case of re-
 13 prieve, commutation or pardon granted, stating the name of
 14 the convict, the crime of which he was convicted, the sentence
 15 and its date, and the date of the commutation, pardon or
 16 reprieve.

Source

Const. 1777, Art. XVIII; amended, Const. 1821, Art. III, § 5; amended, Const. 1846, Art. IV, § 5.

Lincoln's Constitutional History

For brief historical note on this section and court decisions construing it, see IV:473-475, 532, 730. For note on extradition, see IV:476-477.

References to constitutional conventions.

1821. Murder included, I:669. 1846. Report to legislature, II:135-136. 1867. Board of pardons, II:329-330. 1894. III:310-311.

Debates of constitutional conventions

1821. Murder included, 124 (Sept. 10); impeachment excepted, 124 (Sept. 10); report to legislature, 125-128 (Sept. 10); exclusive power, 129-133 (Sept. 11).

Article IV, § 6

1846. Report to legislature, 290-304 (July 13-14), 350-357 (July 18-20).

1867. Executive power, II:933-935; limitation, II:1206; report to legislature, II:1207-1210, V:3617-3618; board of pardons, II:1196-1206, 1181-1192.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 14, 30, 78, 135, 152, 161, 191 (Int. 190), 204 (Int. 202), 220 (Int. 218).

In the legislature, 1895-1914: see Part II, post, pp. 84-85.

When lieutenant-governor to act as governor

1 § 6. In case of the impeachment of the Governor, or his
2 removal from office, death, inability to discharge the powers
3 and duties of the said office, resignation, or absence from the
4 State, the powers and duties of the office shall devolve upon
5 the Lieutenant-Governor for the residue of the term, or until
6 the disability shall cease. But when the Governor shall, with
7 the consent of the Legislature, be out of the State, in time of
8 war, at the head of a military force thereof, he shall continue
9 Commander-in-Chief of all the military force of the State.

When governor continues as commander-in-chief though out of state

Source

Const. 1777, Art. XX; amended, Const. 1821, Art. III, § 6; amended, Const. 1846, Art. IV, § 6.

Lincoln's Constitutional History

For historical statement of the succession to the governorship under the Constitution in this state, see IV:477-481.

References to constitutional conventions.

1777. I:528-530. 1821. I:669. 1846. II:133.

Debates of constitutional conventions

1846. 304-308 (July 14).

Lieutenant-governor: qualifications

President of senate

Succession to office of governor

1 § 7. The Lieutenant-Governor⁵ shall possess the same quali-
2 fications of eligibility for office as the Governor. He shall be
3 president of the Senate, but shall have only a casting vote
4 therein. If during a vacancy of the office of Governor, the
5 Lieutenant-Governor shall be impeached, displaced, resign,
6 die, or become incapable of performing the duties of his office,
7 or be absent from the State, the President of the Senate shall
8 act as Governor until the vacancy be filled or the disability
9 shall cease; and if the President of the Senate for any of the

⁵ For suggested abolition of office of lieutenant-governor, see notes to Art. IV, § 1.

Article IV, § 8

10 above causes shall become incapable of performing the duties
 11 pertaining to the office of Governor, the Speaker of the As-
 12 sembly shall act as Governor until the vacancy be filled or the
 13 disability shall cease.

Source

Const. 1877, Art. XX; amended, Const. 1821, Art. III, § 7; amended,
 Const. 1846, Art. IV, § 7; amended, Const. 1894, Art. IV, § 7.

Lincoln's Constitutional History

For comment upon the provision giving the lieutenant-governor a
 casting vote, see IV:482.

For history of the office of temporary president of the senate and the
 succession to the governorship of the temporary president, see
 IV:483-491.

For history of the provision extending the succession to the speaker
 of the Assembly, see IV:491.

References to constitutional conventions.

1777. Succession to governorship, I:530-531; qualifications, I:
 528-530.

1821. Qualifications, I:669.

1894. Succession to governorship, III:309-310; president of the
 senate, IV:482-483.

Debates of constitutional conventions

1894. Succession to governorship, I:939-950 (I:495-501); IV:397-
 401 (V:2186-2188).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional
 Amendments, Overture No. 271-368 (Int. 269).^o

1 § 8. The Lieutenant-Governor shall receive for his services
 2 an annual salary of five thousand dollars, and shall not receive
 3 or be entitled to any other compensation, fee or perquisite, for
 4 any duty or service he may be required to perform by the Con-
 5 stitution or by law.

Salary of
 lieutenant-
 governor

Source

Const. 1846, Art. IV, § 8; amended in 1874.

Lincoln's Constitutional History

For historical statement of the compensation of the lieutenant-
 governor in this colony and state, see IV:492-493.

References to constitutional conventions and commissions.

1846. II:133. 1872. II:517-518.

Debates of constitutional conventions

1846. 163-164 (June 25). 1867. II:886, 894.

^o This overture was adopted by the convention and accordingly became
 a part of the Constitution.

Article IV, § 9

Governor's
power over
legislation

Passage of
bills over
veto

Ten day
bills

Thirty day
bills

Appropriation bills;
governor
may object
to one or
more items

§ 9. Every bill which shall have passed the Senate and Assembly shall, before it becomes a law, be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it with his objections to the house in which it shall have originated, which shall enter the objections at large on the journal, and proceed to reconsider it. If after such reconsideration, two-thirds of the members elected to that house shall agree to pass the bill, it shall be sent together with the objections to the other house by which it shall likewise be reconsidered; and if approved by two-thirds of the members elected to that house, it shall become a law notwithstanding the objections of the Governor. In all such cases, the votes in both houses shall be determined by yeas and nays, and the names of the members voting shall be entered on the journal of each house respectively. If any bill shall not be returned by the Governor within ten *day (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature shall, by their adjournment, prevent its return, in which case it shall not become a law without the approval of the Governor. No bill shall become a law after the final adjournment of the Legislature, unless approved by the Governor within thirty days after such adjournment. If any bill presented to the Governor contain several items of appropriation of money, he may object to one or more of such items while approving of the other portion of the bill. In such case, he shall append to the bill, at the time of signing it, a statement of the items to which he objects; and the appropriation so objected to shall not take effect. If the Legislature be in session, he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If on reconsideration one or more of such items be approved by two-thirds of the members elected to each house, the same shall be part of the law, notwithstanding the objections of the Governor. All the provisions of this section, in relation to bills not approved by the Governor, shall apply in cases in which he shall withhold his

* So in original.

Article IV, § 9

38 approval from any item or items contained in a bill appropriating money.⁷

Source

Const. 1821, Art. I, § 12; amended, Const. 1846, Art. IV, § 9; amended in 1874. See also, Const. 1777, Art. III.

Lincoln's Constitutional History

For general discussion of the governorship as a part of the legislative system of the state, including his veto power and that formerly exercised by the Council of Revision, see IV:494-497. For further references on the veto power, see below.

Mr. Lincoln also discusses the following topics included within this section, namely: presentment of bills to the governor, IV:497-498; consideration of bills by the governor, IV:498-499; recall of bills from the governor, IV:499-501; action on bills by the governor, including ten-day period and thirty-day period, IV:501-507.

For detailed history of the causes leading up to the constitutional amendment of 1874 establishing the thirty-day period for executive consideration of bills after the adjournment of the legislature, see II:331-338.

For the consideration by the governor of city bills, see notes under Art. XII, § 2, post.

References to constitutional conventions and commissions.

1777. Council of revision, I:554-556.

1821. Abolition of council of revision and transfer of veto power to the governor, I:639-640.

1846. Executive action on bills after adjournment of legislature and re-passage of vetoed bills, II:134-135.

1867. Veto power of governor (including power to veto specific portions of a bill), and re-passage of vetoed bills, II:339-343, III:245.

1872. Changes in veto power of the governor (incorporated in the constitutional amendments of 1874), including power to veto separate items in appropriation bills, II:518-520.

1894. Proposal to establish a council of revision; executive consideration of bills, and re-passage of vetoed bills, III:311-312.

Debates of constitutional conventions

1821. Veto power, 44-120 (Sept. 4-8), 545 (Oct. 27).

1846. Veto power and re-passage of vetoed bills, 324-337 (July 16), 360-370 (July 20).

1867. Re-passage of vetoed bills, I:667, II:886-888, 1109-1131; time limit, II:894-895, V:3619-3621; limited to constitutionality of bills, I:668-669; veto of specific items, II:1109-1131.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 35-457 (Int. 35), 151, 188 (Int. 187), 205 (Int. 203), 231 (Int. 229).

In the legislature, 1895-1914: see Part II, post, pp. 85-86.

⁷ For references to the former council of revision, see Supplemental Notes following Article XV, post, under that title.

Article V, § 1

ARTICLE V¹

Election
and terms
of certain
state
officers

Compensa-
tion

State engi-
neer and
surveyor to
be practical
civil engi-
neer

- 1 Section 1. The Secretary of State, Comptroller, Treasurer,
- 2 Attorney-General and State Engineer and Surveyor shall be
- 3 chosen at a general election, at the times and places of elect-
- 4 ing the Governor and Lieutenant-Governor, and shall hold
- 5 their offices for two years, except as provided in section two
- 6 of this article.² Each of the officers in this article named,
- 7 excepting the Speaker of the Assembly, shall at stated times
- 8 during his continuance in office, receive for his services a
- 9 compensation which shall not be increased or diminished dur-
- 10 ing the term for which he shall have been elected; nor shall he
- 11 receive to his use any fees or perquisites of office or other
- 12 compensation. No person shall be elected to the office of
- 13 State Engineer and Surveyor who is not a practical civil
- 14 engineer.

Source

Const. 1821, Art. IV, § 6; amended, Const. 1846, Art. V, §§ 1 and 2; amended, Const. 1894, Art. V, § 1. See also, Const. 1777, Art. XXIII; amendments of 1801, Art. 5.³

Lincoln's Constitutional History

For court decisions relating to state officers, see IV:299, 508.

For remarks on state officers in general, with special reference to the appointment of some of them by the governor instead of their election by the people, see II:520-532, and IV:456-458.

References to constitutional conventions and commissions.

1777. Treasurer, I:531.

1821. State officers, how chosen, I:671; term, I:672.

1846. State officers, II:136-137; engineer, II:137.

1867. Attorney-general, II:343-346; compensation, II:327-328; term, 401.

1872. Treasurer, II:534-535.

¹ For references to subjects coming within the general scope of Article V but which cannot be specifically assigned to any particular section thereof, see Supplementary Notes following Article XV, post, under the titles Commissions, Congressional delegates, Police, Railroads, State officers.

² For the appointment and removal of state officers and filling of vacancies, and for references to the former council of appointment, see Supplemental Notes following Article XV, post, under the titles Appointment, power of, and Removal, power of.

For references to state officers not named in this section, and for the abolition of property qualifications for state officers, see Supplemental Notes under the title State officers.

³ For the text of the amendments of 1801, see Lincoln's Constitutional History, I: 189-191.

Article V, § 2

Debates of constitutional conventions

1821. State officers, how chosen, 302-307 (Oct. 1).

1846. State officers, how chosen, 480-481 (July 31); term, 480-481 (July 31); treasurer, how chosen, 501-502 (Aug. 3); engineer and surveyor, 505-508 (Aug. 4), 520-526 (Aug. 5); compensation, 150-151 (June 24), 480-481 (July 31), 496-501 (Aug. 3), 517-520 (Aug. 5).

1867. State officers, II:1009-1011; how chosen, II:1235-1269, 1272-1280; time of election, V:3631-3632; compensation, II:1285; engineer and surveyor, abolition, II:1280-1283, 1286-1287; comptroller, III:1990, 2259-2261; attorney-general, II:1272-1282, 1284-1285; IV:2773-2776.

1894. Term, IV:724-727 (V:2371-2373); compensation, IV:724-727 (V:2371-2373); engineer and surveyor, qualifications, IV:724-727 (V:2371-2373).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 35-457 (Int. 35),⁴ 37, 43, 362 (Int. 353).

In the legislature, 1895-1914: see Part II, post, p. 87.

1 § 2. The first election of the Secretary of State, Comp-
 2 troller, Treasurer, Attorney-General and State Engineer and
 3 Surveyor, pursuant to this article shall be held in the year
 4 one thousand eight hundred and ninety-five, and their terms
 5 of office shall begin on the first day of January following, and
 6 shall be for three years. At the general election in the year
 7 one thousand eight hundred and ninety-eight, and every two
 8 years thereafter, their successors shall be chosen for the term
 9 of two years.

First elec-
tion and
terms of
certain
state
officers

Successors

Source

Const. 1894, Art. V, § 2.

Lincoln's Constitutional History

For explanation of this section, see IV:509.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 35-457 (Int. 35),⁵ 43, 296 (Int. 292).

In the legislature, 1895-1914: see Part II, post, p. 88.

⁴ This overture was adopted by the convention and accordingly became a part of the Constitution.

⁵ This overture was adopted by the convention and accordingly became a part of the Constitution.

Article V, § 3

Superin-
tendent of
public
works; ap-
pointment,
compensa-
tion,
powers
and duties

Suspension
or removal

Assistant
superin-
tendents

Other em-
ployees

Additional
duties

1 § 3. A Superintendent of Public Works shall be appointed
2 by the Governor, by and with the advice and consent of the
3 Senate, and hold his office until the end of the term of the
4 Governor by whom he was nominated, and until his successor
5 is appointed and qualified. He shall receive a compensation
6 to be fixed by law. He shall be required by law to give
7 security for the faithful execution of his office before entering
8 upon the duties thereof. He shall be charged with the ex-
9 ecution of all laws relating to the repair and navigation of
10 the canals, and also of those relating to the construction and
11 improvement of the canals, except so far as the execution of
12 the laws relating to such construction or improvement shall
13 be confided to the State Engineer and Surveyor; subject to
14 the control of the Legislature, he shall make the rules and
15 regulations for the navigation or use of the canals. He may
16 be suspended or removed from office by the Governor, when-
17 ever, in his judgment, the public interest shall so require;
18 but in case of the removal of such Superintendent of Public
19 Works from office, the Governor shall file with the Secretary
20 of State a statement of the cause of such removal, and shall
21 report such removal and the cause thereof to the Legislature
22 at its next session. The *superintendent of Public Works
23 shall appoint not more than three assistant superintendents,
24 whose duties shall be prescribed by him, subject to modifica-
25 tion by the Legislature, and who shall receive for their serv-
26 ices a compensation to be fixed by law. They shall hold their
27 office for three years, subject to suspension or removal by
28 the Superintendent of Public Works, whenever, in his judg-
29 ment, the public interest shall so require. Any vacancy in
30 the office of any such assistant superintendent shall be filled
31 for the remainder of the term for which he was appointed,
32 by the Superintendent of Public Works; but in case of the
33 suspension or removal of any such assistant superintendent
34 by him, he shall at once report to the Governor, in writing,
35 the cause of such removal. All other persons employed in
36 the care and management of the canals, except collectors of
37 tolls, and those in the department of the State Engineer and
38 Surveyor, shall be appointed by the Superintendent of Public
39 Works, and be subject to suspension or removal by him. The

* So in original.

Article V, § 4

40 Superintendent of Public Works shall perform all the duties
 41 of the former Canal Commissioners, and Board of Canal Com-
 42 missioners, as now declared by law, until otherwise provided
 43 by the Legislature. The Governor, by and with the advice Vacancies
 44 and consent of the Senate, shall have power to fill vacancies
 45 in the office of Superintendent of Public Works; if the Senate
 46 be not in session, he may grant commissions which shall
 47 expire at the end of the next succeeding session of the Senate.

Source

Amendment of 1876, Art. V, § 3;^a amended, Const. 1894, Art. V, § 3.

Lincoln's Constitutional History

For court decisions relating to the superintendent of public works,
 see IV:511-512, 516, 649, 666.

References to constitutional conventions.

1846. II:137-138. 1867. II:355-357, 401. 1872. II:535. 1894.
 III:313.

Debates of constitutional conventions

1867. Superintendent of public works, how chosen, II:1067-1068,
 III:2038-2041; term, III:2041-2046; single officer, 2046-2057; sub-
 stitute, V:3633-3634; assistants, V:3636-3638, 3651-3652; security,
 V:3634-3635; care of canals, III:2038-2057, 2347-2355; removal,
 V:3635-3636, III:2054-2055.

1894. Election, IV:218-224 (V:2091-2100).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional
 Amendments, Overtures Nos. 43, 199 (Int. 198), 296 (Int. 292).

In the legislature, 1895-1914: see Part II, post, p. 89.

1 § 4. A Superintendent of State Prisons shall be appointed Superin-
 2 by the Governor, by and with the advice and consent of the tendent of
 3 Senate, and hold his office for five years, unless sooner re- state
 4 moved; he shall give security in such amount, and with such prisons;
 5 sureties as shall be required by law for the faithful discharge appoint-
 6 of his duties; he shall have the superintendence, management ment,
 7 and control of state prisons, subject to such laws as now exist powers and
 8 or may hereafter be enacted; he shall appoint the agents, duties
 9 wardens, physicians and chaplains of the prisons. The agent Prison
 10 and warden of each prison shall appoint all other officers of officers
 11 such prison, except the clerk, subject to the approval of the
 12 same by the Superintendent. The Comptroller shall appoint

^a For the text of the amendment of 1876, see Lincoln's Constitutional History, I: 312-313.

Article V, § 5

Clerks of
prisons
appointed
by comp-
troller

Removal of
superin-
tendent

13 the clerks of the prisons. The Superintendent shall have all
14 the powers and perform all the duties not inconsistent here-
15 with, which were formerly had and performed by the in-
16 spectors of State Prisons. The Governor may remove the
17 Superintendent for cause at any time, giving to him a copy
18 of the charges against him, and an opportunity to be heard
19 in his defense.

Source

Amendment of 1876, Art. V, § 4;⁷ amended, Const. 1894, Art. V,
§ 4. See also, Const. 1846, Art. V, § 4.

Lincoln's Constitutional History

For historical statement on state prisons and state prison inspectors
in this state from 1796 to 1846, see II:138-140.

References to constitutional conventions and commissions.

1846. II:137. 1867. II:375-378. 1872. II:532-534. 1894. III:
313.

Debates of constitutional conventions

1867. III:1771-1777; IV:3182-3200; V:3223-3229, 3231-3234.

Texts of proposed amendments.

In the constitutional convention of 1894: see Proposed Constitutional
Amendments, Overture No. 43.

In the legislature, 1895-1914: see Part II, post, p. 90.

Commis-
sioners of
land office

Commis-
sioners of
canal fund

Canal
board

1 § 5. The Lieutenant-Governor, Speaker of the Assembly,
2 Secretary of State, Comptroller, Treasurer, Attorney-General
3 and State Engineer and Surveyor shall be the commissioners
4 of the land office. The Lieutenant-Governor, Secretary of
5 State, Comptroller, Treasurer and Attorney-General shall be
6 the commissioners of the canal fund. The canal board shall
7 consist of the commissioners of the canal fund, the State
8 Engineer and Surveyor, and the Superintendent of Public
9 Works.⁸

Source

Const. 1846, Art. V, § 5; amended, Const. 1894, Art. V, § 5.

Lincoln's Constitutional History

See, generally, I:696-697; II:137, 535; III:393; IV:164, 513.

References to constitutional conventions and commissions.

1846. II:137. 1872. II:535, 538. 1894. IV:513.

⁷ For history of the constitutional amendment of 1876, and matters relat-
ing thereto, see Lincoln's Constitutional History, II: 583-584.

⁸ For references to canal auditor, see Supplemental Notes following Article
XV, post, under the title State officers.

Article V, § 8

Debates of constitutional conventions

1846. Canal commissioners, 534 (Aug. 6).

1867. Canal commissioners, III:2349-2354; canal fund commissioners, III:2019-2035, 2343-2345.

1894. Land office commissioners, IV:164-174 (V:2067-2072); IV:181-194 (V:2076-2083); IV:200-205 (V:2087-2090).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overture No. 296 (Int. 292).

In the legislature, 1895-1914: see Part II, post, p. 90.

- 1 § 6. The powers and duties of the respective boards, and
 2 of the several officers in this article mentioned, shall be such
 3 as now are or hereafter may be prescribed by law.

Powers and
duties of
boards and
officers**Source**

Const. 1846, Art. V, § 6.

Lincoln's Constitutional History

See II:539.

Debates of constitutional conventions

1846. 536-537 (Aug. 6-7).

Texts of proposed amendments

In the legislature, 1895-1914: see Part II, post, pp. 90-91.

- 1 § 7. The Treasurer may be suspended from office by the
 2 Governor, during the recess of the Legislature, and until thirty
 3 days after the commencement of the next session of the Legis-
 4 lature, whenever it shall appear to him that such Treasurer
 5 has, in any particular, violated his duty. The Governor shall
 6 appoint a competent person to discharge the duties of the
 7 office during such suspension of the Treasurer.

Suspension
of state
treasurer**Source**

Const. 1846, Art. V, § 7.

Debates of constitutional conventions

1846. 509-510 (Aug. 4). 1867. II:1285, 1287.

Texts of proposed amendments

In the legislature, 1895-1914: see Part II, post, p. 91.

- 1 § 8. All offices for the weighing, gauging, measuring, cull-
 2 ing or inspecting any merchandise, produce, manufacture or
 3 commodity whatever, are hereby abolished; and no such office
 4 shall hereafter be created by law: but nothing in this section
 5 contained shall abrogate any office created for the purpose
 6 of protecting the public health or the interests of the State
 7 in its property, revenue, tolls or purchases, or of supplying

Weighing,
measuring
and in-
specting
commodi-
ties; offices
abolished

Article V, § 9

8 the people with correct standards of weights and measures,
9 or shall prevent the creation of any office for such purposes
10 hereafter.

Source

Const. 1846, Art. V, § 8.

Lincoln's Constitutional History

See II:383; IV:514-515.

Debates of constitutional conventions

1846. 510-517 (Aug. 4-5). 1867. II:1366-1371; IV: 2785-2789.

Texts of proposed amendments

In the legislature, 1895-1914: see Part II, post, p. 91.

Civil
service

1 § 9. Appointments and promotions in the civil service of
2 the State, and of all the civil divisions thereof, including cities
3 and villages, shall be made according to merit and fitness to
4 be ascertained, so far as practicable, by examinations, which,
5 so far as practicable, shall be competitive: provided how-
6 ever, that honorably discharged soldiers and sailors from the
7 army and navy of the United States in the late civil war,
8 who are citizens and residents of this State, shall be entitled
9 to preference in appointment and promotion, without re-
10 gard to their standing on any list from which such appoint-
11 ment or promotion may be made. Laws shall be made to
12 provide for the enforcement of this section.⁹

Preference
to honor-
ably dis-
charged
soldiers and
sailors

Source

Const. 1894, Art. V, § 9.

Lincoln's Constitutional History

For history of civil service in this state from 1777 to 1894, see III:
313-334.

For court decisions construing this section and the civil service of
the state in general, see IV:515-523. See also, III:416; IV:177,
223, 226, 250, 292, 511, 512, 740, 759, 780, 789.

References to constitutional conventions.

1894. III:328-334.

Debates of constitutional conventions

1894. Appointments, IV:834-847 (V:2438-2445); IV:1016-1047
(VI:2545-2562); veterans, IV:1016-1047 (VI:2545-2562).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional
Amendments, Overture No. 208-393 (Int. 206).¹⁰

In the legislature, 1895-1914: see Part II, post, pp. 91-101.

⁹ For the subject of civil service pensions, see Supplemental Notes follow-
ing Article XV, post, under the title Pensions.

¹⁰ This overture was adopted by the convention and accordingly became
a part of the Constitution.

Article VI, § 1

ARTICLE VI ¹

1 Section 1. The Supreme Court is continued with general
 2 jurisdiction in law and equity, subject to such appellate juris- Supreme
court; how
constituted;
judicial
districts
 3 diction of the Court of Appeals as now is or may be pre-
 4 scribed by law not inconsistent with this article.² The exist-
 5 ing judicial districts of the State are continued until changed
 6 as hereinafter provided. The Supreme Court shall consist Justices;
number and
election
 7 of the Justices now in office, and of the Judges transferred
 8 thereto by the fifth section of this article, all of whom shall
 9 continue to be Justices of the Supreme Court during their
 10 respective terms, and of twelve additional Justices who shall
 11 reside in, and be chosen by the electors of, the several existing
 12 judicial districts, three in the first district, three in the second,
 13 and one in each of the other districts; and of their successors.
 14 The successors of said Justices shall be chosen by the electors
 15 of their respective judicial districts. The Legislature may Alteration
of judicial
districts;
reapportion-
ment of
Justices
 16 alter the judicial districts once after every enumeration under
 17 the Constitution, of the inhabitants of the State, and there-
 18 upon reapportion the Justices to be thereafter elected in the
 19 districts so altered.
 20 The legislature may from time to time increase the num- Increase in
number of
Justices
 21 ber of justices in any judicial district except that the number
 22 of justices in the first and second district or in any of the
 23 districts into which the second district may be divided, shall
 24 not be increased to exceed one justice for each eighty thou-
 25 sand, or fraction over forty thousand of the population
 26 thereof, as shown by the last state, or federal census or enu-
 27 meration, and except that the number of justices in any other
 28 district shall not be increased to exceed one justice for each
 29 sixty thousand or fraction over thirty-five thousand of the

¹ For references to certain subjects coming within the general scope of Article VI but not relating specifically to any particular section thereof, see Supplemental Notes following Article XV, post, under the following titles: Courts (for court of claims, conciliation tribunals, transfer of causes, custody of money paid into court, and power of courts to declare laws unconstitutional); Judgments (for execution of judgments); Judges (for qualifications of judges); Procedure (for uniform procedure and appeals to supreme court on questions of procedure); Criminal law (for suspended sentence); Judicial system.

² For references to the former court of chancery, see Supplemental Notes following Article XV, post, under the title Courts.

Article VI, § 1

Additional
judicial
district

30 population thereof as shown by the last state or federal
31 census or enumeration. The legislature may erect out of
32 the second judicial district as now constituted, another
33 judicial district and apportion the justices in office between
34 the districts, and provide for the election of additional jus-
35 tices in the new district not exceeding the limit herein
36 provided.

Source

Const. 1821, Art. V, § 4; amended, Const. 1846, Art. VI, § 3;
amended, Judiciary Article, 1869,³ Art. VI, § 6; amended in 1879⁴
and in 1888;⁵ amended, Const. 1894, Art. VI, § 1; amended in
1905.⁵

Lincoln's Constitutional History

For historical comment, mainly on the period from 1821 to 1846, see
II:64-73.

For court decisions construing this section and matters relating thereto,
see IV:525-534.

References to constitutional conventions and commissions.

1777. I:535.

1821. I:674-690.

1846. II:140-144, 150-153, 217.

1867. II:247-249, 264-271. Method of choosing judges, II:285-
288.

1890. II:701-703.

1894. III:335-341, 352-353.

Debates of constitutional conventions

1821. Reorganization, 501 (Oct. 22); legislative power to create, 602-
604 (Nov. 2); number of justices, 621-623 (Nov. 3), 653-654
(Nov. 9).

1846. How constituted, 773-777 (Aug. 29-31), 762-764 (Aug. 26-
27); jurisdiction, 559-582 (Aug. 10-11), 590-596 (Aug. 12);
justices, how chosen, 111-112 (June 17), 140-142 (June 23), 787-
794 (Sept. 1-2); additional justices, 794-796 (Sept. 2-3), 1123-
1124 (Appendix); judicial districts, 766-768 (Aug. 27), 771-772
(Aug. 28).

³ The constitution proposed by the constitutional convention of 1867-68 was not submitted to the people until the general election in November, 1869. For the full text (except Art. VI) of this proposed constitution, see Lincoln's Constitutional History, II:423-463. It was all rejected except the Judiciary Article (Art. VI). This article as adopted by the people is given in full in Lincoln, I:282-295.

⁴ For the texts of the constitutional amendments of 1879 and 1888, see Lincoln's Constitutional History, I:314, 315.

⁵ For legislative history of this amendment and the action of the people thereon, see Part II, post, pp. 102-103.

Article VI, § 2

1867. How constituted, IV:2408-2426, 2452-2478, 2495-2524, 2530-2541, 2644-2650; V:3709-3713; justices, number, V:3708-3709, 3719-3720; justices, how chosen, IV:2551-2560, 2574-2591, 2665-2668, 2707-2708; time of election, V:3737-3738.

1894. Justices, number, II:892-893 (III:1108-1109); II:906-915 (III:1116-1120); II:919-922 (III:1124-1126); III:55-56 (II:1310).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 269 (Int. 267), 279 (Int. 277), 422 (Int. 383).^a

In the legislature, 1895-1914: see Part II, post, pp. 102-107.

1 § 2. The legislature shall divide the state into four judicial Judicial de-
2 departments. The first department shall consist of the partments
3 county of New York; the others shall be bounded by county
4 lines, and be compact and equal in population as nearly
5 as may be. Once every ten years the legislature may alter
6 the judicial departments, but without increasing the number
7 thereof. There shall be an appellate division of the supreme Appellate
8 court, consisting of seven justices in the first department, division
9 and of five justices in each of the other departments. In each
10 department four shall constitute a quorum, and the concur-
11 rence of three shall be necessary to a decision. No more than
12 five justices shall sit in any case. From all the justices elected
13 to the supreme court the governor shall designate those who
14 shall constitute the appellate division in each department;
15 and he shall designate the presiding justice thereof, who shall
16 act as such during his term of office, and shall be a resident of
17 the department. The other justices shall be designated for
18 terms of five years or the unexpired portions of their respec-
19 tive terms of office, if less than five years. From time to
20 time as the terms of such designations expire, or vacancies
21 occur, he shall make new designations. A majority of the
22 justices so designated to sit in the appellate division, in
23 each department shall be residents of the department. He
24 may also make temporary designations in case of the absence
25 or inability to act of any justice in the appellate division,
26 or in case the presiding justice of any appellate division
27 shall certify to him that one or more additional justices are
28 needed for the speedy disposition of the business before it.

^a This overture was adopted by the convention and accordingly became a part of the Constitution.

Article VI, § 2

Transfer of appeals to other department 29 Whenever the appellate division in any department shall be
 30 unable to dispose of its business within a reasonable time,
 31 a majority of the presiding justices of the several depart-
 32 ments at a meeting called by the presiding justice of the
 33 department in arrears may transfer any pending appeals
 34 from such department to any other department for hearing
Powers and duties of justices 35 and determination. No justice of the appellate division
 36 shall, within the department to which he may be designated
 37 to perform the duties of an appellate justice, exercise any of
 38 the powers of a justice of the supreme court, other than
 39 those of a justice out of court, and those pertaining to the
 40 appellate division, or to the hearing and decision of motions
 41 submitted by consent of counsel, but any such justice, when
 42 not actually engaged in performing the duties of such appel-
 43 late justice in the department to which he is designated, may
 44 hold any term of the supreme court and exercise any of the
 45 powers of a justice of the supreme court in any county or
Jurisdiction 46 judicial district in any other department of the state. From
 47 and after the last day of December, eighteen hundred and
 48 ninety-five, the appellate division shall have the jurisdiction
 49 now exercised by the supreme court at its general terms and
 50 by the general terms of the court of common pleas for the
 51 city and county of New York, the superior court of the city
 52 of New York, the superior court of Buffalo and the city
 53 of Brooklyn, and such additional jurisdiction as may be con-
Reporter 54 ferred by the legislature. It shall have power to appoint
Appellate division justices to fix special terms 55 and remove a reporter.⁷ The justices of the appellate divi-
 56 sion in each department shall have power to fix the times and
 57 places for holding special terms therein, and to assign the
 58 justices in the departments to hold such terms; or to make
 59 rules therefor.

Source

Const. 1846, Art. VI, § 6; amended, Judiciary Article, 1869,⁸ Art. VI, § 7; amended, Const. 1894, Art. VI, § 2; amended in 1899⁹ and in 1905.⁹

Lincoln's Constitutional History

For historical sketch of the evolution of the appellate division, see III:353-355.

⁷ For suggestions in regard to a council of law reporting, see Supplementary Notes following Article XV, post, under the title Courts.

⁸ See footnote no. 3, to Art. VI, § 1, ante.

⁹ For the legislative history of the amendments of 1899 and 1905, and the action of the people thereon, see Part II, post, pp. 109-112.

Article VI, § 3

For comment upon this section and court decisions construing it, see IV:536-539.

References to constitutional conventions and commissions.

1867. Departments, II:251, 265-269, 271; reporter, II:285.

1890. General term, II:693-695, 697-698, 700, 723; departments, II:702-704; justices, election, II:695-697, 699, 700-707, 723; justices, powers, II:701, 724; justices, designation, II:701.

1894. III:355-360.

Debates of constitutional conventions

1846. Judges, powers limited, 789 (Sept. 2).

1867. Judicial departments, IV:2693-2695; general term, IV:2541-2544, 2547, 2650-2651, 2677-2683, 2693-2695.

1894. How constituted, II:923-934 (III:1126-1132); III:33-34 (III:1296-1297); III:36-52 (III:1300-1308); justices, number, IV:547-558 (V:2269-2274); justices, duties, III:52-55 (III:1308-1310).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 101, 128, 163, 422 (Int. 383).¹⁰

In the legislature, 1895-1914: see Part II, post, pp. 109-121.

1 § 3. No Judge or Justice shall sit in the Appellate Division
2 or in the Court of Appeals in review of a decision made by
3 him or by any court of which he was at the time a sitting
4 member. The testimony in equity cases shall be taken in like
5 manner as in cases at law; and, except as herein otherwise
6 provided, the Legislature shall have the same power to alter
7 and regulate the jurisdiction and proceedings in law and in
8 equity that it has heretofore exercised.

Judge not
to review
own de-
cision on
appeal

Testimony
in equity
cases

Power of
legislature
over juris-
diction and
proceedings
in actions

Source

Const. 1846, Art. VI, § 10; amended, Judiciary Article, 1869,¹¹ Art. VI, § 8; amended, Const. 1894, Art. VI, § 3.

Lincoln's Constitutional History

For historical comment on this section and court decisions construing the same, see IV:539-542.

References to constitutional conventions.

1846. Testimony in equity cases, II:163.

1867. Not to review his own decision, II:266-267, 271.

Debates of constitutional conventions

1846. Testimony in equity cases, 782-785 (Sept. 1); procedure regulated by the legislature, 772-773 (Aug. 29).

¹⁰ This overture was adopted by the convention and accordingly became a part of the Constitution.

¹¹ See footnote no. 3, to Art. VI, § 1, ante.

Article VI, § 4

1867. Testimony in equity cases, IV:2683-2684; not to review his own decision, IV:2434-2436; V:3713-3717.

1894. Not to review his own decision, II:934 (III:1132).

Texts of proposed amendments

In the Constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 127, 422 (Int. 383).¹²

Supreme
court
justices;
terms and
vacancies

- 1 § 4. The official terms of the Justices of the Supreme Court
2 shall be fourteen years from and including the first day of
3 January next after their election.¹³ When a vacancy shall
4 occur otherwise than by expiration of term in the office of
5 Justice of the Supreme Court the same shall be filled for a
6 full term, at the next general election, happening not less
7 than three months after such vacancy occurs; and, until
8 the vacancy shall be so filled, the Governor by and with the
9 advice and consent of the Senate, if the Senate shall be in
10 session, or if not in session the Governor, may fill such va-
11 cancy by appointment, which shall continue until and in-
12 cluding the last day of December next after the election at
13 which the vacancy shall be filled.

Source

Const. 1846, Art. VI, § 13; amended, Judiciary Article, 1869,¹⁴ Art. VI, § 9; amended, Const. 1894, Art. VI, § 4. See also Const. 1777, Art. XXIV, and Const. 1821, Art. IV, § 7.

Lincoln's Constitutional History

For court decisions construing this section, see IV:542-543.

References to constitutional conventions and commissions.

1821. I:672, 675. 1867. II:250-262, 266, 268-271. 1890. II:718.

Debates of constitutional conventions

1846. 769-770 (Aug. 28).

1867. IV:2544-2547, 2551-2560, 2574-2592, 2651-2654, 2665-2668.

1894. II:934-945 (III:1132-1138).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 70, 77, 102, 422 (Int. 383).¹⁵

In the legislature, 1895-1914: see Part II, post, pp. 121-123.

¹² This overture was adopted by the convention and according became a part of the Constitution.

¹³ For age limitation, see Art. VI, § 12, post.

¹⁴ See footnote no. 3, to Art. VI, § 1, ante.

¹⁵ This overture was adopted by the convention and accordingly became a part of the Constitution.

Article VI, § 5

1 § 5. The Superior Court of the City of New York,¹⁶ the Certain city
courts
abolished
2 Court of Common Pleas for the City and County of New
3 York, the Superior Court of Buffalo, and the City Court of
4 Brooklyn, are abolished from and after the first day of Janu-
5 ary, one thousand eight hundred and ninety-six, and there-
6 upon the seals, records, papers and documents of or belonging
7 to such courts, shall be deposited in the offices of the Clerks of
8 the several counties in which said courts now exist; and all
9 actions and proceedings then pending in such courts shall be
10 transferred to the Supreme Court for hearing and determina-
11 tion. The Judges of said courts in office on the first day of
12 January, one thousand eight hundred and ninety-six, shall,
13 for the remainder of the terms for which they were elected
14 or appointed, be Justices of the Supreme Court; but they
15 shall sit only in the counties in which they were elected or
16 appointed. Their salaries shall be paid by the said counties
17 respectively, and shall be the same as the salaries of the other
18 Justices of the Supreme Court residing in the same counties.
19 Their successors shall be elected as Justices of the Supreme
20 Court by the electors of the judicial districts in which they
21 respectively reside.

22 The jurisdiction now exercised by the several courts hereby
23 abolished, shall be vested in the Supreme Court. Appeals
24 from inferior and local courts now heard in the Court of
25 Common Pleas for the City and County of New York and the
26 Superior Court of Buffalo, shall be heard in the Supreme
27 Court in such manner and by such Justice or Justices as the
28 Appellate Divisions in the respective departments which in-
29 clude New York and Buffalo shall direct, unless otherwise
30 provided by the Legislature.

Source

Judiciary Article 1869,¹⁷ Art. VI, § 12; amended in 1880;¹⁸ amended,
Const. 1894, Art. VI, § 5.

¹⁶ For references to the former New York city court, see Supplemental Notes following Article XV, post, under the title Courts.

¹⁷ See footnote no. 3, to Art. VI, § 1, ante.

¹⁸ For text of the constitutional amendment of 1880, see Lincoln's Constitutional History, I: 316-317.

Article VI, § 6

Lincoln's Constitutional History

For court decisions relating to this section or the subject-matter thereof, see IV:240, 538, 544.

For a history of the court of common pleas, the superior courts of New York and Buffalo, and the city court of Brooklyn, see II:274-279.

References to constitutional conventions and commissions.

1867. Superior courts and court of common pleas, II:274-279.

1890. Superior courts abolished, II:707-710, 724-725.

1894. Superior courts abolished, III:362-364.

Debates of constitutional conventions

1867. IV:2437-2438, 2547-2551, 2661-2665.

1894. II:890-892 (III:1108); II:967-978 (III:1150-1156).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overture No. 422 (Int. 383).¹⁹

Circuit
courts and
courts of
oyer and
terminer
abolished

- 1 § 6. Circuit Courts and Courts of Oyer and Terminer are
- 2 abolished from and after the last day of December, one
- 3 thousand eight hundred and ninety-five. All their jurisdiction
- 4 shall thereupon be vested in the Supreme Court, and all
- 5 actions and proceedings then pending in such courts shall be
- 6 transferred to the Supreme Court for hearing and determina-
- 7 tion. Any Justice of the Supreme Court, except as otherwise
- 8 provided in this article, may hold court in any county.

Source

Const. 1894, Art. VI, § 6.

Lincoln's Constitutional History

For court decisions construing this section, see IV:545.

For historical comment upon the circuit system in this state, see II:264-265.

References to constitutional conventions.

1821. Oyer and terminer, I:677-678; circuit courts, I:681, 688.

1894. Courts abolished, III:369.

Debates of constitutional conventions

1821. Circuit courts, organization, 604-621 (Nov. 2-3); legislative control, 520-522 (Oct. 23).

1894. Courts abolished, II:900-901 (III:1112-1113); II:978 (III:1156).

Texts of proposed amendments

In the legislature, 1895-1914: see Part II, post, pp. 126-127.

¹⁹ This overture was adopted by the convention and accordingly became a part of the Constitution.

Article VI, § 7

1 § 7. The court of appeals is continued.²⁰ It shall consist
2 of the chief judge and associate judges now in office, who
3 shall hold their offices until the expiration of their respective
4 terms, and their successors, who shall be chosen by the
5 electors of the state. The official terms of the chief judge
6 and associate judges shall be fourteen years from and in-
7 cluding the first day of January next after their election.
8 Five members of the court shall form a quorum, and the con-
9 currence of four shall be necessary to a decision. The court
10 shall have power to appoint and to remove its reporter,²¹
11 clerk and attendants. Whenever and as often as a ma-
12 jority of the judges of the court of appeals shall certify to
13 the governor that said court is unable, by reason of the
14 accumulation of causes pending therein, to hear and dispose
15 of the same with reasonable speed, the governor shall desig-
16 nate not more than four justices of the supreme court to
17 serve as associate judges of the court of appeals. The justices
18 so designated shall be relieved from their duties as justices
19 of the supreme court and shall serve as associate judges
20 of the court of appeals until the causes undisposed of in said
21 court are reduced to two hundred, when they shall return to
22 the supreme court. The governor may designate justices of
23 the supreme court to fill vacancies. No justice shall serve
24 as associate judge of the court of appeals except while hold-
25 ing the office of justice of the supreme court, and no more
26 than seven judges shall sit in any case.

Court of
appeals;
judges;
terms,
quorum,
etc.

Reporter,
clerk, etc.

Designation
of supreme
court jus-
tices to
serve as
associate
judges

Source

Const. 1846, Art. VI, § 2; amended, Judiciary Article, 1869,²² Art. VI, § 2; amended, Const. 1894, Art. VI, § 7; amended in 1899.²³
See also Judiciary Article, 1869,²² Art. VI, § 4; amendment of 1872, § 28;²⁴ amendment of 1888, § 6.²⁴

²⁰ For references to the former commission of appeals, see Supplemental Notes following Article XV, post, under the title Courts.

²¹ For suggestions in regard to a council of law reporting, see Supplemental Notes following Article XV, post, under the title Courts.

²² See footnote no. 3, to Art. VI, § 1, ante.

²³ For legislative history of this amendment and action of people thereon, see Part II, post, p. 128.

²⁴ For texts of the constitutional amendments of 1872 and 1888, see Lincoln's Constitutional History, I: 318, 315.

Article VI, § 8

Lincoln's Constitutional History

For comment on the dissatisfaction felt in 1846 with the court for the correction of errors, which led to the creation of the court of appeals, see II:145-146. For the evolution of the court of appeals from 1847 to 1867, see II:227-229; from 1867 to 1894, see III:341-342. See also, II:284-285.

References to constitutional conventions and commissions.

1846. II:146-150. 1867. II:249-262, 284-285. 1890. II:686-691, 722. 1894. 341-352, 373.

Debates of constitutional conventions

1846. Organization, 558-559 (Aug. 10); election of judges, 751-763 (Aug. 25-26); clerk, 821-822 (Sept. 8).

1867. Organization, IV:2635-2644; sessions, III:2165-2167; judges, tenure of office, III:2164-2228, 2281-2303, 2359; IV:2404, 2547; V:3726-3727; number of judges, III:2167-2181; IV:2450-2452; V:3706-3707; election of judges, III:2200-2203; quorum, III:2404-2407; chief judge, how chosen, III:2190-2197.

1894. Number of judges, II:979-1028 (III:1156-1183); II:1029-1057 (III:1185-1200); II:1060-1087 (III:1203-1217); quorum, II:902-903 (III:1113); II:986-988 (III:1159-1161); organization, division, II:893-900 (III:1109-1112); V:559-566 (V:2275-2279); court of criminal appeals, I:734-738 (I:384-386).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 19, 33, 42, 268 (Int. 266), 311 (Int. 305), 336 (Int. 328), 422 (Int. 383).²⁵

In the legislature, 1895-1914: see Part II, post, pp. 123-132.

Vacancies
in court of
appeals

- 1 § 8. When a vacancy shall occur otherwise than by expira-
- 2 tion of term, in the office of Chief or Associate Judge of the
- 3 Court of Appeals, the same shall be filled, for a full term,
- 4 at the next general election happening not less than three
- 5 months after such vacancy occurs; and until the vacancy
- 6 shall be so filled, the Governor, by and with the advice and
- 7 consent of the Senate, if the Senate shall be in session, or if
- 8 not in session the Governor may fill such vacancy by appoint-
- 9 ment. If any such appointment of Chief Judge shall be
- 10 made from among the Associate Judges, a temporary appoint-
- 11 ment of Associate Judge shall be made in like manner; but
- 12 in such case, the person appointed Chief Judge shall not be
- 13 deemed to vacate his office of Associate Judge any longer
- 14 than until the expiration of his appointment as Chief Judge.

²⁵ This amendment was adopted by the convention and accordingly became a part of the Constitution.

Article VI, § 9

15 The powers and jurisdiction of the court shall not be
 16 suspended for want of appointment or election, when the
 17 number of Judges is sufficient to constitute a quorum. All
 18 appointments under this section shall continue until and
 19 including the last day of December next after the election
 20 at which the vacancy shall be filled.

Source

Const. 1846, Art. VI, § 13; amended, Judiciary Article, 1869,²⁶ Art.
 VI, § 3; amended, Const. 1894, Art. VI, § 8. See also Const. 1821,
 Art. IV, § 7.

Lincoln's Constitutional History

References to constitutional conventions.

1867. Vacancies, II:260.

Debates of constitutional conventions

1867. Vacancies, IV:2544-2547, 2652-2654; V:3727.

1894. Vacancies, II:1088 (III:1217).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional
 Amendments, Overtures Nos. 77, 422 (Int. 383).²⁷

In the legislature, 1895-1914: see Part II, post, p. 133.

1 § 9. After the last day of December, one thousand eight
 2 hundred and ninety-five, the jurisdiction of the Court of
 3 Appeals, except where the judgment is of death, shall be
 4 limited to the review of questions of law. No unanimous
 5 decision of the Appellate Division of the Supreme Court
 6 that there is evidence supporting or tending to sustain a
 7 finding of fact or a verdict not directed by the court, shall
 8 be reviewed by the Court of Appeals. Except where the
 9 judgment is of death, appeals may be taken, as of right, to
 10 said court only from judgments or orders entered upon
 11 decisions of the Appellate Division of the Supreme Court,
 12 finally determining actions or special proceedings, and from
 13 orders granting new trials on exceptions, where the appellants
 14 stipulate that upon affirmance judgment absolute shall be
 15 rendered against them. The Appellate Division in any
 16 department may however, allow an appeal upon any question
 17 of law which, in its opinion, ought to be reviewed by the
 18 Court of Appeals.

Jurisdiction
of court of
appeals

²⁶ See footnote no. 3, to Art. VI, § 1, ante.

²⁷ This overture was adopted by the convention and accordingly became
 a part of the Constitution.

19 The Legislature may further restrict the jurisdiction of the
 20 Court of Appeals and the right of appeal thereto, but the
 21 right to appeal shall not depend upon the amount involved.
 22 The provisions of this section shall not apply to orders
 23 made or judgments rendered by any General Term before
 24 the last day of December, one thousand eight hundred and
 25 ninety-five, but appeals therefrom may be taken under exist-
 26 ing provisions of law.

Source

Const. 1894, Art. VI, § 9.

Lincoln's Constitutional History

For court decisions construing this section, see IV:548-550.

References to constitutional conventions and commissions.

1867. II:260. 1890. II:686-690, 722. 1894. III:346-347, 349-352.

Debates of constitutional conventions

1846. Power to issue state writs, 837-838 (Sept. 10).

1867. IV:2699-2701; V:3738-3739.

1894. II:902 (III:1113); II:1088-1121 (III:1217-1235); III:64-65 (III:1314-1315); IV:558-559 (V:2275).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overture No. 422 (Int. 383).²⁸

In the legislature, 1895-1914: see Part II, post, pp. 134-138.

Judges not
to hold
other office

1 § 10. The Judges of the Court of Appeals and the Justices
 2 of the Supreme Court shall not hold any other office or public
 3 trust. All votes for any of them, for any other than a judicial
 4 office, given by the Legislature or the people, shall be void.

Source

Const. 1777, Art. XXV; amended, Const. 1821, Art. V, § 7; amended,
 Const. 1846, Art. VI, § 8; amended, Judiciary Article, 1869, Art.
 VI, § 10.²⁹

Lincoln's Constitutional History

For court decisions construing this section, see IV:551-554.

References to constitutional conventions.

1777. I:535.

Debates of constitutional conventions

1846. 779-781 (Aug. 31). 1867. IV:2436, 2661.

1894. II:907-908 (III:1116-1117); II:1121-1122 (III:1236).

²⁸ This overture was adopted by the convention and accordingly became a part of the Constitution.

²⁹ See footnote no. 3, to Art. VI, § 1, ante.

Article VI, § 12

1 § 11. Judges of the Court of Appeals and Justices of the Removal
of judges
2 Supreme Court may be removed by concurrent resolution of
3 both houses of the Legislature, if two-thirds of all the mem-
4 bers elected to each house concur therein. All other judicial
5 officers, except Justices of the Peace and judges or justices
6 of inferior courts not of record, may be removed by the
7 Senate, on the recommendation of the Governor, if two-thirds
8 of all the members elected to the Senate concur therein.
9 But no officer shall be removed by virtue of this section
10 except for cause, which shall be entered on the journals,
11 nor unless he shall have been served with a statement of
12 the cause alleged, and shall have had an opportunity to be
13 heard. On the question of removal, the yeas and nays shall
14 be entered on the journal.³⁰

Source

Const. 1846, Art. VI, § 11; amended, Judiciary Article, 1869,³¹ Art. VI, § 11; amended, Const. 1894, Art. VI, § 11. See also Const. 1821, Art. I, § 13; amendment of 1845.³²

Lincoln's Constitutional History

For a history of the legislature's power of removal and the cases in which this power has been invoked, from 1777 to 1905, see IV:554-590. For particular reference to the senate's power of removal, see IV:577-590.

References to constitutional conventions.

1777. IV:554-556. 1821. I:674; IV:556-563. 1846. IV:563-565. 1867. IV:565-566. 1894. III:369; IV:566-567.

Debates of constitutional conventions

1821. 443-445 (Oct. 15). 1846. 785-787 (Sept. 1). 1894. II:1122-1123 (III:1236-1237).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overture No. 422 (Int. 383).³³

In the legislature, 1895-1914: see Part II, post, pp. 139-140.

1 § 12. No person shall hold the office of judge or justice Age limit
of judges
2 of any court longer than until and including the last day

³⁰ For other references to the removal of judges, see Supplemental Notes following Article XV, post, under the title Removal, power of.

³¹ See nootnote no. 3, to Art. VI, § 1, ante.

³² For text of the constitutional amendment of 1845, see Lincoln's Constitutional History, I: 224-225.

³³ This overture was adopted by the convention and accordingly became a part of the Constitution.

Article VI, § 12

Compensation of
supreme
court
justices

3 of December next after he shall be seventy years of age.
4 Each justice of the supreme court shall receive from the
5 state the sum of ten thousand dollars per year. Those
6 assigned to the appellate divisions in the third and fourth
7 departments shall each receive in addition the sum of two
8 thousand dollars, and the presiding justices thereof the sum
9 of two thousand five hundred dollars per year. Those
10 justices elected in the first and second judicial departments
11 shall continue to receive from their respective cities, counties
12 or districts, as now provided by law, such additional compensation
13 as will make their aggregate compensation what
14 they are now receiving. Those justices elected in any
15 judicial department other than the first or second, and assigned
16 to the appellate divisions of the first or second departments
17 shall, while so assigned, receive from those departments
18 respectively, as now provided by law, such additional
19 sum as is paid to the justices of those departments. A justice
20 elected in the third or fourth department assigned by the
21 appellate division or designated by the governor to hold
22 a trial or special term in a judicial district other than that
23 in which he is elected shall receive in addition ten dollars per
24 day for expenses while actually so engaged in holding such
25 term, which shall be paid by the state and charged upon the
26 judicial district where the service is rendered. The compensation
27 herein provided shall be in lieu of and shall exclude
28 all other compensation and allowance to said justices for
29 expenses of every kind and nature whatsoever. The provisions
30 of this section shall apply to the judges and justices
31 now in office and to those hereafter elected.

Source

Const. 1846, Art. VI, § 7; amended, Judiciary Article, 1869,³⁴ Art. VI, §§ 13, 14; amended in 1880, § 13;³⁵ amended, Const. 1894, Art. VI, § 12; amended in 1909.³⁶ See also Const. 1777, Art. XXIV.

Lincoln's Constitutional History

Compensation, history of, from 1835, see IV:590-598.

For court decisions construing the age limit provision of this section, see IV:598.

³⁴ See footnote no. 3, to Art. VI, § 1, ante.

³⁵ For text of the constitutional amendment of 1880, see Lincoln's Constitutional History, I: 317.

³⁶ For legislative history of this amendment and action of people thereon, see Part II, post, pp. 141-142.

Article VI, § 13

References to constitutional conventions and commissions.

1890. Judicial pensions, II:713-716, 724.

1894. Judicial pensions, III:366-368.

Debates of constitutional conventions

1846. 777-779 (Aug. 31).

1867. IV:2438-2443, 2446-2460, 2708.

1894. II:1123-1157 (III:1237-1256); II:1159-1169 (III:1258-1263).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 25, 179 (Int. 178), 249 (Int. 247), 262 (Int. 260), 422 (Int. 383).³⁷

In the legislature, 1895-1914: see Part II, post, pp. 141-143.

1 § 13. The Assembly shall have the power of impeachment,^{Impeach-}
 2 by a vote of a majority of all the members elected. The
 3 Court for the Trial of Impeachments shall be composed of
 4 the President of the Senate, the senators, or the major part
 5 of them, and the Judges of the Court of Appeals, or the
 6 major part of them. On the trial of an impeachment against
 7 the Governor or Lieutenant-Governor, the Lieutenant-Gov-
 8 ernor shall not act as a member of the court. No judicial
 9 officer shall exercise his office, after articles of impeachment
 10 against him shall have been preferred to the Senate, until
 11 he shall have been acquitted. Before the trial of an impeach-
 12 ment the members of the court shall take an oath or affirma-
 13 tion truly and impartially to try the impeachment according
 14 to the evidence, and no person shall be convicted without the
 15 concurrence of two-thirds of the members present. Judg-
 16 ment in cases of impeachment shall not extend further than
 17 to removal from office, or removal from office and disqualifi-
 18 cation to hold and enjoy any office of honor, trust or profit
 19 under this State; but the party impeached shall be liable
 20 to indictment and punishment according to law.

Source

Const. 1777, Art. XXXIII; amended, Const. 1821, Art. V, § 2;
 amended, Const. 1846, Art. VI, § 1; amended, Judiciary Article,
 1869,³⁸ Art. VI, § 1; continued without change in Const. 1894,
 Art. VI, § 13.

Lincoln's Constitutional History

For historical sketch of the power of impeachment in this state, in-
 cluding impeachment trials, see IV:599-612.

³⁷ This overture was adopted by the convention and accordingly became a part of the Constitution.

³⁸ See footnote no. 3, to Art. VI, § 1, ante.

Article VI, § 14

References to constitutional conventions.

1777. I:538-540. 1821. I:673; IV:600-602. 1846. II:144-145;
IV:602-603. 1867. II:249. 1894. IV:602-603.

Debates of constitutional conventions

1821. 435-440 (Oct. 15). 1846. 555-558 (Aug. 10). 1867. III:2164;
IV:2635; V:3727-3728, 3776. 1894. II:1169 (III:1263).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional
Amendments, Overture No. 338 (Int. 330).

County
courts

Judges:
number,
election,
term

Jurisdic-
tion of
county
courts

1 § 14. The existing county courts are continued, and the
2 judges thereof now in office shall hold their offices until the
3 expiration of their respective terms. In the county of Kings
4 there shall be four county judges. The number of county
5 judges in any county may also be increased, from time to
6 time, by the legislature, to such number that the total
7 number of county judges in any one county shall not exceed
8 one for every two hundred thousand, or major fraction
9 thereof, of the population of such county. The additional
10 county judges in the county of Kings shall be chosen at the
11 general election held in the first odd-numbered year after
12 the adoption of this amendment. The additional county
13 judges whose offices may be created by the legislature shall
14 be chosen at the general election held in the first odd-num-
15 bered year after the creation of such office. All county
16 judges, including successors to existing judges, shall be
17 chosen by the electors of the counties for the term of six
18 years from and including the first day of January following
19 their election. County courts shall have the powers and
20 jurisdiction they now possess, and also original jurisdiction
21 in actions for the recovery of money only, where the
22 defendants reside in the county, and in which the complaint
23 demands judgment for a sum not exceeding two thousand
24 dollars. The legislature may hereafter enlarge or restrict
25 the jurisdiction of the county courts, provided, however, that
26 their jurisdiction shall not be so extended as to authorize
27 an action therein for the recovery of money only, in which
28 the sum demanded exceeds two thousand dollars, or in which
29 any person not a resident of the county is a defendant.
30 Courts of sessions, except in the county of New York, are
31 abolished from and after the last day of December, eighteen

Article VI, § 14

32 hundred and ninety-five. All the jurisdiction of the court
 33 of sessions in each county, except the county of New York,
 34 shall thereupon be vested in the county court thereof, and
 35 all actions and proceedings then pending in such courts of
 36 sessions shall be transferred to the said county courts for
 37 hearing and determination. Every county judge shall per-
 38 form such duties as they may be required by law. His
 39 salary shall be established by law, payable out of the county
 40 treasury. A county judge of any county may hold county
 41 courts in any other county when requested by the judge of
 42 such other county.³⁹

Courts of
sessions
abolished
except in
New York
county

County
judges;
powers and
duties,
salary

May hold
court in
other
counties

Source

Const. 1846, Art. VI, § 14; amended, Judiciary Article, 1869,⁴⁰ Art. VI, § 15; amended, Const. 1894, Art. VI, § 14; amended in 1913.⁴¹
 See also Const. 1777, Art. XXIV, and Const. 1821, Art. V, § 6.

Lincoln's Constitutional History

For historical sketch of the county court from 1691 to 1894, see II:153-159.

For court decisions construing this section, see IV:613-615.

References to constitutional conventions and commissions.

1777. I:153-154. 1821. I:673, 677. 1846. II:142-143, 155-157.
 1867. II:279-284, 272-274. 1890. II:710-713, 725. 1894. III:
 360-361, 373.

Debates of constitutional conventions

1846. Organization, 684-688 (Aug. 18), 691 (Aug. 19), 797-798 (Sept. 3), 803-807 (Sept. 4); jurisdiction, 697-698 (Aug. 19), 710-711 (Aug. 20), 741-746 (Aug. 24), 803-807 (Sept. 4).

1867. Jurisdiction, II:272-274; IV:2592-2602, 2671-2676, 2697-2698; duties of judge, IV:2696-2697; term, II:274; compensation, II:274.

1894. Organization, III:65-66 (III:1315-1316); jurisdiction, II:1169-1186 (III:1263-1272); compensation of judge, III:24-31 (III:1292-1295); V:3734, 3736-3737.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 41, 79, 126, 172, 180 (Int. 179), 269 (Int. 267), 422 (Int. 383).⁴²

In the legislature, 1895-1914: see Part II, post, pp. 143-155.

³⁹ For suggestions relative to associate county judges, see Supplemental Notes following Article XV, post, under the title Judges.

⁴⁰ See footnote no. 3, to Art. VI, § 1, ante.

⁴¹ For legislative history of this amendment and the action of the people thereon, see Part II, post, pp. 144-145.

⁴² This overture was adopted by the convention and accordingly became a part of the Constitution.

Article VI, § 15

Surrogates' courts	1	§ 15. The existing Surrogates' Courts are continued, and
Surrogates, election, term, powers and duties	2	the Surrogates now in office shall hold their offices until the
	3	expiration of their terms. Their successors shall be chosen
	4	by the electors of their respective counties, and their terms
	5	of office shall be six years, except in the county of New York,
	6	where they shall continue to be fourteen years. Surrogates
	7	and Surrogates' Courts shall have the jurisdiction and powers
	8	which the Surrogates and existing Surrogates' Courts now
County judge as surrogate	9	possess, until otherwise provided by the Legislature. The
Separate officer as surrogate	10	County Judge shall be Surrogate of his county, except where
	11	a separate Surrogate has been or shall be elected. In
	12	counties having a population exceeding forty thousand,
	13	wherein there is no separate Surrogate, the Legislature may
	14	provide for the election of a separate officer to be Surrogate,
	15	whose term of office shall be six years. When the Surrogate
	16	shall be elected as a separate officer his salary shall be estab-
Age limit	17	lished by law, payable out of the county treasury. No County
	18	Judge or Surrogate shall hold office longer than until and
	19	including the last day of December next after he shall be
Vacancies	20	seventy years of age. Vacancies occurring in the office of
	21	County Judge or Surrogate shall be filled in the same manner
Compensation	22	as like vacancies occurring in the Supreme Court. The com-
	23	penetration of any County Judge or Surrogate shall not be
Powers of surrogates may be conferred on supreme court in certain counties	24	increased or diminished during his term of office. For the
	25	relief of Surrogates' Courts the Legislature may confer upon
	26	the Supreme Court in any county having a population exceed-
	27	ing four hundred thousand, the powers and jurisdiction of
	28	Surrogates, with authority to try issues of fact by jury in
	29	probate cases. ⁴³

Source

Const. 1846, Art. VI, § 14; amended, Judiciary Article, 1869,⁴⁴ Art. VI, § 15; amended, Const. 1894, Art. VI, § 15. See also Const. 1777, Art. XXIV, and Const. 1821, Art. V, § 6.

Lincoln's Constitutional History

For historical sketch of surrogates' courts from 1692 to 1840, see II: 159-161.

For court decisions construing this section, see IV:616-617.

References to constitutional conventions and commissions.

1846. II:159. 1890. II:710-713, 725. 1894. III:362, 373.

⁴³ For provisions relating to probate courts and to registers of wills, see Supplemental Notes following Article XV, post, under the titles Courts and Wills, respectively.

⁴⁴ See footnote no. 3, to Art. VI, § 1, ante.

Article VI, § 17

Debates of constitutional conventions

1867. Jurisdiction, IV:2592-2609, 2633-2635, 2696-2697; vacancies, IV:2652-2654.

1894. Jurisdiction, II:1186-1189 (III:1272-1273); term, II:903 (III:1114-1115).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 5, 44, 65, 162, 171, 422 (Int. 383).⁴⁵

1 § 16. The Legislature may, on application of the board of
 2 supervisors, provide for the election of local officers, not to
 3 exceed two in any county, to discharge the duties of County
 4 Judge and of Surrogate, in cases of their inability or of a
 5 vacancy, and in such other cases as may be provided by law,
 6 and to exercise such other powers in special cases as are
 7 or may be provided by law.

Special
county
judge and
surrogate

Source

Const. 1846, § 15; continued without change in Judiciary Article, 1869,⁴⁶ Art. VI, § 16.

Lincoln's Constitutional History

For court decisions construing this section, see IV:617-618.

References to constitutional conventions.

1846. II:163. 1894. III:369.

Proceedings and debates of constitutional conventions

1867. IV:2609-2610, 2709-2710; V:3847-3848.

1894. II:1189 (III:1273).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 162, 166, 269 (Int. 267).

1 § 17. The electors of the several towns shall, at their
 2 annual town meetings, or at such other time and in such
 3 manner as the Legislature may direct, elect Justices of the
 4 Peace, whose term of office shall be four years. In case of an
 5 election to fill a vacancy occurring before the expiration of a
 6 full term, they shall hold for the residue of the unexpired
 7 term. Their number and classification may be regulated by
 8 law. Justices of the Peace and judges or justices of inferior
 9 courts not of record, and their clerks, may be removed for

Justices of
the peace;
election,
term, etc.

Removal of
inferior
judicial
officers and
their clerks

⁴⁵ This overture was adopted by the convention and accordingly became a part of the Constitution.

⁴⁶ See footnote no. 3, to Art. VI, § 1, ante.

Article VI, § 18

10 cause, after due notice and an opportunity of being heard by
 11 such courts as are or may be prescribed by law. Justices
 12 of the Peace and District Court Justices may be elected in
 13 the different cities of this State in such manner, and with
 14 such powers, and for such terms, respectively, as are or shall
 15 be prescribed by law; all other judicial officers in cities,
 16 whose election or appointment is not otherwise provided for
 17 in this article, shall be chosen by the electors of such cities,
 18 or appointed by some local authorities thereof.

Source

Const. 1821, Art. IV, § 7; amended in 1826;⁴⁷ amended, Const. 1846, Art. VI, § 17; amended, Judiciary Article, 1869,⁴⁸ Art. VI, § 18; continued without change in Const. 1894, Art. VI, § 17. See also Const. 1777, Art. XXIV.

Lincoln's Constitutional History

For court decisions construing this section, see IV:619-622. See also, IV:48, 241, 598, 745, 762.

References to constitutional conventions.

1777. Justices, removal, I:674.

1821. Justices, term, I:672; how chosen, III:616-617; special justices in New York city, I:672-673.

1846. Justices' courts, organization, II:161-162; justices, how chosen, II:142, 163.

1867. Justices' courts, II:285, 290.

1894. Justices' courts, III:364, 374.

Debates of constitutional conventions

1821. Justices, how chosen, 307-309 (Oct. 2), 321-356 (Oct. 3-5), 378-383 (Oct. 8-9).

1846. Justices' courts, jurisdiction, 815-819 (Sept. 7).

1867. Justices, how chosen, IV:2610-2611, 2626.

1894. Justices' courts, organization, II:1189-1191 (III:1273-1274).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 62, 162, 210 (Int. 208), 227 (Int. 225), 269 (Int. 267), 363 (Int. 354).

Inferior
local
courts

1 § 18. Inferior local courts of civil and criminal jurisdiction
 2 may be established by the Legislature, but no inferior local
 3 court hereafter created shall be a court of record. The Legis-
 4 lature shall not hereafter confer upon any inferior or local

⁴⁷ For text of the constitutional amendment of 1826, see Lincoln's Constitutional History, I: 222-223.

⁴⁸ See footnote no. 3, to Art. VI, § 1, ante.

Article VI, § 19

5 court of its creation, any equity jurisdiction or any greater
6 jurisdiction in other respects than is conferred upon County
7 Courts by or under this article. Except as herein otherwise
8 provided, all judicial officers shall be elected or appointed at
9 such times and in such manner as the Legislature may direct.

Source

Const. 1846, Art. VI, § 14; amended, Judiciary Article, 1869,⁴⁹ Art. VI, § 19; amended, Const. 1894, Art. VI, § 18. See also Const. 1777, Art. XXIV, and Const. 1821, Art. V, § 6.

Lincoln's Constitutional History

For history of this section and court decisions construing it, see IV:623-630.

References to constitutional conventions and commissions.

1821. I:672-673. 1846. II:142, 163. 1867. II:284. 1872. II:539-540. 1894. III:364-366.

Debates of constitutional conventions

1846. 800-801 (Sept. 3), 807-812 (Sept. 4), 819 (Sept. 8), 823 (Sept. 9).

1867. IV:2701-2704.

1894. II:901-902 (III:1113); II:1191-1194 (III:1274-1276).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 162, 238 (Int. 236), 422 (Int. 383).⁵⁰

1 § 19. Clerks of the several counties shall be clerks of the
2 Supreme Court, with such powers and duties as shall be
3 prescribed by law. The Justices of the Appellate Division in
4 each department shall have power to appoint and to remove
5 a clerk who shall keep his office at a place to be designated
6 by said Justices. The Clerk of the Court of Appeals shall
7 keep his office at the seat of *government. The Clerk of the
8 Court of Appeals and the clerks of the Appellate Division
9 shall receive compensation to be established by law and
10 paid out of the public treasury.

Clerks of
courts

Source

Const. 1821, Art. IV, § 9; amended, Const. 1846, Art. VI, § 19; amended, Judiciary Article, 1869,⁵¹ Art. VI, § 20; amended, Const. 1894, Art. VI, § 19.

* So in original.

⁴⁹ See footnote no. 3, to Art. VI, § 1, ante.

⁵⁰ This overture was adopted by the convention and accordingly became a part of the Constitution.

⁵¹ See footnote no. 3, to Art. VI, § 1, ante.

Article VI, § 20

Lincoln's Constitutional History

For note on county clerk, see IV:721-722.

References to constitutional conventions.

1846. II:163. 1867. II:285.

Debates of constitutional conventions

1846. 821-822 (Sept. 8). 1894. II:1194-1195 (III:1276); III:23-24 (III:1291-1292).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overture No. 422 (Int. 383).⁵²

Certain
judicial
officers not
to receive
fees

What
judges not
to act as
attorneys
or referees

What
judges
must be
attorneys

- 1 § 20. No judicial officer, except Justices of the Peace, shall
- 2 receive to his own use any fees or perquisites of office; nor
- 3 shall any Judge of the Court of Appeals, or Justice of the
- 4 Supreme Court, or any County Judge or Surrogate hereafter
- 5 elected in a county having a population exceeding one hun-
- 6 dred and twenty thousand, practice as an attorney or coun-
- 7 selor in any court of record in this State, or act as referee.
- 8 The Legislature may impose a similar prohibition upon
- 9 County Judges and Surrogates in other counties. No one
- 10 shall be eligible to the office of Judge of the Court of Ap-
- 11 peals, Justice of the Supreme Court, or, except in the county
- 12 of Hamilton, to the office of County Judge or Surrogate, who
- 13 is not an attorney and counselor of this State.⁵³

Source

Const. 1846, Art. VI, § 20; amended, Judiciary Article, 1869,⁵⁴
Art. VI, § 21; amended, Const. 1894, Art. VI, § 20.

Lincoln's Constitutional History

For court decisions construing this section, see IV:631-632.

References to constitutional conventions and commissions.

1846. Fees prohibited, II:163.

1867. Practice as attorney, II:285.

1890. Practice as attorney, II:716, 725.

1894. Practice as attorney and fees prohibited, III:369-372.

Debates of constitutional conventions

1846. Fees prohibited, 823-825 (Sept. 8).

1867. Fees prohibited, IV:2626-2630.

1894. Fees prohibited, II:1195-1200 (III:1276-1279); practice as
attorney, II:1195-1200 (III:1276-1279), III:13-15 (III:1286-
1287); judges, eligibility, III:6-13 (III:1282-1286).

⁵² This overture was adopted by the convention and accordingly became a part of the Constitution.

⁵³ See Supplemental Notes following Article XV, post, under the title Attorneys.

⁵⁴ See footnote no. 3, to Art. VI, § 1, ante.

Article VI, § 23

Courts of
special
sessions

- 1 § 23. Courts of Special Sessions shall have such jurisdiction**
2 of offenses of the grade of misdemeanors as may be prescribed
3 by law.

Source

Judiciary Article, 1869,⁶¹ Art. VI, § 26; continued without change in
 Const. 1894, Art. VI, § 23.

Lincoln's Constitutional History

For court decisions construing this section, see IV:633.

References to constitutional conventions.

1867. II:284. 1894. III:372.

Debates of constitutional conventions

1894. III:15-23 (III:1287-1291).

ARTICLE VII ¹State credit
limited

- 1 Section 1. The credit of the State shall not in any manner**
2 be given or loaned to or in aid of any individual, association
3 or corporation.²

Source

Const. 1846, Art. VII, § 9; continued without change in Const. 1894,
 Art. VII, § 1.

Lincoln's Constitutional History

For court decisions construing this section, see IV:634.

References to constitutional conventions.

1846. II:179-180.

Debates of constitutional conventions

1846. 849-857, 864-868 (Sept. 12-14).

1867. III:1840-1848, 1992-2018, 2341-2343; V:3327-3338, 3366-
 3369, 3461-3482, 3764-3765.

Texts of proposed amendments

In the convention of 1894: see Proposed Constitutional Amendments,
 Overtures Nos. 156, 199 (Int. 198), 254-437 (Int. 252).

In the legislature, 1895-1914: see Part II, post, p. 161.

State debt,
power to
contract

- 1 § 2. The State may, to meet casual deficits or failures in**
2 revenues, or for expenses not provided for, contract debts;
3 but such debts, direct or contingent, singly or in the aggre-

⁶¹ See footnote no. 3, to Art. VI, § 1, ante.

¹ For the subject of the salt springs, see Supplemental Notes following
 Art. XV, post, under that title. For various matters relating to taxation, see
 Supplemental Notes under that title.

² But see Art. VIII, § 9, post.

Article VII, § 3

4 gate, shall not at any time exceed one million of dollars; and
 5 the moneys arising from the loans creating such debts shall
 6 be applied to the purpose for which they were obtained, or
 7 to repay the debt so contracted, and to no other purpose
 8 whatever.³

Application
of moneys

Source

Const. 1846, Art. VII, § 10; continued without change in Const.
 1894, Art. VII, § 2.

Lincoln's Constitutional History

For historical statement of the conditions leading to the inclusion
 of this section into the Constitution, see II:73-91.

References to constitutional conventions.

1846. II:174-179. 1867. II:357.

Debates of constitutional conventions

1846. 857-877 (Sept. 14-15), 1083-1105; appendix (Sept. 11), 1105-
 1123; Appendix (Sept. 16).

1867. III:1848-1850; V:3746-3748.

Texts of proposed amendments

In the convention of 1894: see Proposed Constitutional Amendments,
 Overtures Nos. 20, 199 (Int. 198), 254-437 (Int. 252).

In the legislature, 1895-1914: see Part II, post, pp. 161-162.

1 § 3. In addition to the above limited power to contract
 2 debts, the State may contract debts to repel invasion, suppress
 3 insurrection, or defend the State in war; but the money arising
 4 from the contracting of such debts shall be applied to the
 5 purpose for which it was raised, or to repay such debts, and
 6 to no other purpose whatever.

Debts for
state de-
fense

Source

Const. 1846, Art. VII, § 11; continued without change in Const.
 1894, Art. VII, § 3.

Lincoln's Constitutional History

For comment on this section, see IV:635. See also the notes to
 Art. VII, § 2.

Debates of constitutional conventions

1867. III:1850-1852.

Texts of proposed amendments

In the convention of 1894: see Proposed Constitutional Amendments,
 Overtures Nos. 199 (Int. 198), 254-437 (Int. 252).

³ For restriction as to state debt, see Supplemental Notes following Art.
 XV, post, under the title State Finance.

Article VII, § 4

Limitation
of legisla-
tive power
to create
debts

Submission
to people
of laws
creating
debts

Manner of
passage of
such laws
in legisla-
ture

Legisla-
ture's
power over
debts after
approval by
people

Tax irre-
pealable

Use of loan
restricted

Restric-
tions on
submission
to people

Bond
issue

Sinking
fund

§ 4. Except the debts specified in sections two and three of this article, no debts shall be hereafter contracted by or in behalf of this state, unless such debt shall be authorized by law, for some single work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax to pay, and sufficient to pay, the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within fifty years from the time of the contracting thereof. No such law shall take effect until it shall, at a general election, have been submitted to the people, and have received a majority of all the votes cast for and against it at such election. On the final passage of such bill in either house of the legislature, the question shall be taken by ayes and noes, to be duly entered on the journals thereof, and shall be: "Shall this bill pass, and ought the same to receive the sanction of the people?" The legislature may at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same; and may at any time, by law, forbid the contracting of any further debt or liability under such law; but the tax imposed by such act, in proportion to the debt and liability which may have been contracted in pursuance of such law, shall remain in force and be irrevocable, and be annually collected, until the proceeds thereof shall have made the provision hereinbefore specified to pay and discharge the interest and principal of such debt and liability. The money arising from any loan or stock creating such debt or liability shall be applied to the work or object specified in the act authorizing such debt or liability, or for the payment of such debt or liability, and for no other purpose whatever. No such law shall be submitted to be voted on within three months after its passage or at any general election when any other law, or any bill shall be submitted to be voted for or against. The legislature may provide for the issue of bonds of the state to run for a period not exceeding fifty years in lieu of bonds heretofore authorized but not issued and shall impose and provide for the collection of a direct annual tax for the payment of the same as hereinbefore required. When any sinking fund created under this section shall equal in amount the debt for which it was

Article VII, § 4

41 created, no further direct tax shall be levied on account of
 42 said sinking fund, and the legislature shall reduce the tax
 43 to an amount equal to the accruing interest on such debt.
 44 The legislature may from time to time alter the rate of
 45 interest to be paid upon any state debt, which has been or
 46 may be authorized pursuant to the provisions of this section,
 47 or upon any part of such debt, provided, however, that the
 48 rate of interest shall not be altered upon any part of such
 49 debt or upon any bond or other evidence thereof, which has
 50 been, or shall be created or issued before such alteration.
 51 In the case the legislature increase the rate of interest upon
 52 any such debt, or part thereof, it shall impose and provide
 53 for the collection of a direct annual tax to pay and sufficient
 54 to pay the increased or altered interest on such debt as it
 55 falls due and also to pay and discharge the principal of such
 56 debt within fifty years from the time of the contracting
 57 thereof, and shall appropriate annually to the sinking fund
 58 moneys in amount sufficient to pay such interest and pay
 59 and discharge the principal of such debt when it shall become
 60 due and payable.

Alteration
of interest
upon State
debt

Additional
tax to pay
increased
interest and
principal

Source

Const. 1846, Art. VII, § 12; continued without change in Const. 1894,
 Art. VII, § 4; amended in 1905⁴ and in 1909.⁴

Lincoln's Constitutional History

For history of the conditions which led to the inclusion in the Con-
 stitution of this section, see IV:637-639, and also the notes to
 Art. VII, § 2.

For a detailed explanation of this section, and of the statutes which
 were submitted to the people from 1853 to 1903 pursuant to it, to-
 gether with court decisions construing these statutes and the section
 in general, see IV:637-657.

References to constitutional conventions.

1846. II:174-179.

Debates of constitutional conventions

1846. 943-950 (Sept. 22-23).

1867. III:1799-1804, 1852-1862, 1865-1881, 2244-2248; V:3752-
 3756.

Texts of proposed amendments

In the convention of 1894: see Proposed Constitutional Amendments,
 Overtures Nos. 199 (Int. 198), 254-437 (Int. 252), 277 (Int. 275).

In the legislature, 1895-1914; see Part II, post, pp. 163-170.

⁴For legislative history of the constitutional amendments of 1905 and
 1909, and the action of the people thereon, see Part II, post, pp. 163-165.

Article VII, § 5

Sinking
fundsUse re-
stricted

1 § 5. The sinking funds provided for the payment of interest
2 and the extinguishment of the principal of the debts of the
3 State shall be separately kept and safely invested, and neither
4 of them shall be appropriated or used in any manner other
5 than for the specific purpose for which it shall have been
6 provided.⁵

Source

Amendment of 1874, Art. VII, § 13; continued without change in
Const. 1894, Art. VII, § 5.

Lincoln's Constitutional History

For the origin of this section in the constitutional commission of
1872, see III:549.

Texts of proposed amendments

In the convention of 1894: see Proposed Constitutional Amendments,
Overtures Nos. 199 (Int. 198), 254-437 (Int. 252).

Claims
barred by
lapse of
time

1 § 6. Neither the Legislature, canal board, nor any person
2 or persons acting in behalf of the State, shall audit, allow,
3 or pay any claim which, as between citizens of the State,
4 would be barred by lapse of time. This provision shall not be
5 construed to repeal any statute fixing the time within which
6 claims shall be presented or allowed, nor shall it extend to
7 any claims duly presented within the time allowed by law,
8 and prosecuted with due diligence from the time of such
9 presentment. But if the claimant shall be under legal dis-
10 ability, the claim may be presented within two years after
11 such disability is removed.⁶

Source

Amendment of 1874,⁷ Art. VII, § 14; amended Const. 1894, Art. VII,
§ 6.

Lincoln's Constitutional History

For court decisions construing this section, see IV:658-663.

For brief comment on the legislative investigation into the subject of
claims against the state made in 1897 and 1898 (Senate Documents,
1898, Nos. 31 and 33), see IV:663.

⁵ For canal sinking funds, see Supplemental Notes following Art. XV,
post, under the title Canals.

⁶ For references to the court of claims and claims for damages caused by
canals, see Supplemental Notes following Art. XV, post, under the titles
Courts and Canals, respectively.

⁷ For text of the constitutional amendment of 1874, see Lincoln's Con-
stitutional History, I:306-307.

Article VII, § 7

References to constitutional conventions and commissions.
1872. II:550.

Texts of proposed amendments

In the convention of 1894: see Proposed Constitutional Amendments,
Overtures Nos. 10, 199 (Int. 198), 252 (Int. 250).

1 § 7. The lands of the state, now owned or hereafter Forest
2 acquired constituting the forest preserve as now fixed by preserve
3 law, shall be forever kept as wild forest lands. They shall
4 not be leased, sold or exchanged, or be taken by any cor-
5 poration, public or private, nor shall the timber thereon be
6 sold, removed or destroyed. But the legislature may by Use of
7 general laws provide for the use of not exceeding three per forest lands
8 centum of such lands for the construction and maintenance for reser-
9 of reservoirs for municipal water supply, for the canals of voirs
10 the state and to regulate the flow of streams. Such reser-
11 voirs shall be constructed, owned and controlled by the state,
12 but such work shall not be undertaken until after the bound-
13 aries and high flow lines thereof shall have been accurately
14 surveyed and fixed, and after public notice, hearing and
15 determination that such lands are required for such public
16 use. The expense of any such improvements shall be appor-
17 tioned on the public and private property and municipalities
18 benefited to the extent of the benefits received. Any such
19 reservoir shall always be operated by the state and the
20 legislature shall provide for a charge upon the property
21 and municipalities benefited for a reasonable return to the
22 state upon the value of the rights and property of the state
23 used and the services of the state rendered, which shall be
24 fixed for terms of not exceeding ten years and be readjustable
25 at the end of any term. Unsanitary conditions shall not be
26 created or continued by any such public works. A violation How viola-
27 of any of the provisions of this section may be restrained tions re-
28 at the suit of the people or, with the consent of the supreme strained
29 court in appellate division, on notice to the attorney-
30 general at the suit of any citizen.

Source

Const. 1894, Art. VII, § 7; amended in 1913.⁸

⁸ For the legislative history of the constitutional amendment of 1913, and the action of the people thereon, see Part II, post, pp. 170-171.

Article VII, § 8

Lincoln's Constitutional History

For court decisions construing this section, see IV:664.

For historical sketch of the initiation and development of the policy of forest preservation in this state down to about 1903, see III:391-454.

References to constitutional conventions.

1894. III:429-433.

Debates of constitutional conventions

1894. II:1201 (III:1279-1280); IV:124-163 (V:2045-2067); IV:705-709 (V:2360-2362).

Texts of proposed amendments

In the convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 9-304-364 (Int. 9), 452 (Int. 393).⁹

In the legislature, 1895-1914: see Part II, post, pp. 170-180.

Certain
canals not
to be sold;
exception

- 1 § 8. The Legislature shall not sell, lease or otherwise dis-
- 2 pose of the Erie canal, the Oswego canal, the Champlain
- 3 canal, the Cayuga and Seneca canal, or the Black river
- 4 canal; but they shall remain the property of the state and
- 5 under its management forever. The prohibition of lease, sale
- 6 or other disposition herein contained, shall not apply to the
- 7 canal known as the Main and Hamburg street canal, situated
- 8 in the city of Buffalo, and which extends easterly from the
- 9 westerly line of Main street to the westerly line of Hamburg
- 10 street. All funds that may be derived from any lease, sale
- 11 or other disposition of any canal shall be applied to the im-
- 12 provement, superintendence or repair of the remaining por-
- 13 tion of the canals.

Application
of funds
derived
from sale
or lease of
canals

Source

Const. 1846, Art. VII, § 6; amended in 1874,¹⁰ Art. VII, § 6; amended in 1882;¹⁰ amended, Const. 1894, Art. VII, § 8.

Lincoln's Constitutional History

For court decisions construing this section, see IV:665-667.

For historical sketch of the development of the canal policy in this state, with special reference to legislation and to reports and governors' messages dealing with the canals, see I:690-715, and II:596-655. See also the references below to constitutional conventions and commissions.

⁹ This overture was adopted by the convention and accordingly became a part of the Constitution.

¹⁰ For the texts of the constitutional amendments of 1874 and 1882, see Lincoln's Constitutional History, I:306, 322-323.

Article VII, § 9

References to constitutional conventions and commissions.

1821. I:715. 1846. II:168, 172; II:650. 1872. II:541-549; III:375-378.

Debates of constitutional conventions

1846. 877-879 (Sept. 15-16), 960-961 (Sept. 24), 1049-1050 (Oct. 3).

1867. III:1830-1840.

1894. IV:317-318 (V:2143-2144); IV:924-942 (V:2489-2500).

Texts of proposed amendments

In the convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 67, 80, 125, 200 (Int. 199), 276 (Int. 274), 431 (Int. 387).¹¹

In the legislature, 1895-1914, see Part II, post, pp. 181-189.

- 1 § 9. No tolls shall hereafter be imposed on persons or Canal tolls prohibited
 2 property transported on the canals, but all boats navigating
 3 the canals and the owners and masters thereof, shall be
 4 subject to such laws and regulations as have been or may
 5 hereafter be enacted concerning the navigation of the canals.
 6 The Legislature shall annually, by equitable taxes, make Legislature to provide for superintendence and repair of canals
 7 provision for the expenses of the superintendence and repairs
 8 of the canals. All contracts for work or materials on any
 9 canal shall be made with the persons who shall offer to do or
 10 provide the same at the lowest price, with adequate security Contracts for work or material; cancellation of contracts
 11 for their performance. No extra compensation shall be made
 12 to any contractor; but if, from any *unforeseen cause, the
 13 terms of any contract shall prove to be unjust and oppressive,
 14 the canal board may, upon the application of the contractor,
 15 cancel such contract.

Source

Const. 1846, Art. VII, § 3; amended in 1854,¹² in 1874,¹² and in 1882;¹² amended, Const. 1894, Art. VII, § 9.

Lincoln's Constitutional History

For court decisions construing this section, see IV:667-668.

For detailed history of the development of the canal policy in this state see the notes to Art. VII, § 8.

* So in original.

¹¹ This overture was adopted by the convention and accordingly became a part of the Constitution.

¹² For the texts of the constitutional amendments of 1854, 1874, and 1882, see Lincoln's Constitutional History, I: 319-321, 305-306, and 321-322, respectively.

Article VII, § 10

For history of the movement leading up to the constitutional amendment of 1854, and for comment on the amendment itself, see II: 218-224.

References to constitutional conventions and commissions.

1867. II:357-358. 1872. II:540-541. 1894. III:377, 380-382.

Debates of constitutional conventions

1867. II:1530-1531; III:2019-2035.

1894. IV:303-308 (V:2134-2137); IV:320-321 (V:2145); IV:947 (V:2502).

Texts of proposed amendments

In the convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 247 (Int. 245), 254-437 (Int. 252),¹³ 430 (Int. 386).

In the legislature, 1895-1914: see Part II, post, pp. 189-190.

Canal improvement

- 1 § 10. The canals may be improved in such manner as the
- 2 Legislature shall provide by law. A debt may be authorized
- 3 for that purpose in the mode prescribed by section four of
- 4 this article, or the cost of such improvement may be defrayed
- 5 by the appropriation of funds from the state treasury, or by
- 6 equitable annual tax.

Source

Const. 1894, Art. VII, § 10.

Lincoln's Constitutional History

For history of the incorporation into the Constitution of this section, and in general of the subject of canal construction and improvement, including references to the \$9,000,000 act (Laws 1895, ch. 79), and the \$101,000,000 act (Laws 1903, ch. 147), passed pursuant to this section, see III:382-390.

Debates of constitutional conventions

1894. IV:227-349 (V:2101-2160); IV:943-969 (V:2500-2515).

Texts of proposed amendments

In the legislature, 1895-1914: see Part II, post, pp. 190-191.

Payment of state debts

- 1 § 11. The legislature may appropriate out of any funds
- 2 in the treasury, moneys to pay the accruing interest and
- 3 principal of any debt heretofore or hereafter created, or
- 4 any part thereof and may set apart in each fiscal year,
- 5 moneys in the state treasury as a sinking fund to pay the
- 6 interest as it falls due and to pay and discharge the principal
- 7 of any debt heretofore or hereafter created under section

Sinking funds

¹³ This overture was adopted by the convention and accordingly became a part of the Constitution.

Article VII, § 12

8 four of article seven of the constitution until the same shall
9 be wholly paid, and the principal and income of such sink-
10 ing fund shall be applied to the purpose for which said
11 sinking fund is created and to no other purpose whatever;
12 and, in the event such moneys so set apart in any fiscal year
13 be sufficient to provide such sinking fund, a direct annual
14 tax for such year need not be imposed and collected, as
15 required by the provisions of said section four of article
16 seven, or of any law enacted in pursuance thereof.

Source

Amendment of 1905.¹⁴

Texts of proposed amendments

In the legislature: see Part II, post, pp. 191-192.

1 § 12. A debt or debts of the state may be authorized by
2 law for the improvement of highways. Such highways shall Improve-
3 be determined under general laws, which shall also provide ment of
4 for the equitable apportionment thereof among the counties. highways
5 The aggregate of the debts authorized by this section shall Limitation
6 not at any one time exceed the sum of fifty millions of dollars. of debts
7 The payment of the annual interest on such debt and the Payment
8 creation of a sinking fund of at least two per centum per
9 annum to discharge the principal at maturity shall be pro-
10 vided by general laws whose force and effect shall not be
11 diminished during the existence of any debt created there-
12 under. The legislature may by general laws require the County and
13 county or town or both to pay to the sinking fund the pro- town share
14 portionate part of the cost of any such highway within the of cost
15 boundaries of such county or town and the proportionate
16 part of the interest thereon, but no county shall at any time
17 for any highway be required to pay more than thirty-five
18 hundredths of the cost of such highway, and no town more
19 than fifteen hundredths. None of the provisions of the fourth
20 section of this article shall apply to debts for the improve-
21 ment of highways hereby authorized.

Source

Amendment of 1905.¹⁵

Texts of proposed amendments

In the legislature: see Part II, post, pp. 192-196.

¹⁴ For the legislative history of the amendment of 1905, and the action of the people thereon, see Part II, post, p. 191.

¹⁵ For the legislative history of the amendment of 1905, and the action of the people thereon, see Part II, post, pp. 192-193.

Article VIII, § 1

ARTICLE VIII ¹Corpora-
tions, how
formed

- 1 Section 1. Corporations may be formed under general laws ;
 2 but shall not be created by special act, except for municipal
 3 purposes, and in cases where, in the judgment of the Legis-
 4 lature, the objects of the corporation cannot be attained under
 5 general laws. All general laws and special acts passed pursu-
 6 ant to this section may be altered from time to time or
 7 repealed.

Source

Const. 1846, Art. VIII, § 1. See also Const. 1821, Art. VII, § 9.

Lincoln's Constitutional History

For historical sketch of corporations in this state from 1783 to 1846,
 and a classified list by subjects of the more important legislative
 charters granted during this period, see II:59-64.

For court decisions construing this section, see IV:671-674.

References to constitutional conventions.

1846. II:59-64, 184-195. 1867. II:370-374.

Debates of constitutional conventions

1846. 221-223 (July 2), 961-974, 984 (Sept. 24-26).

1867. II:1014-1024, 1078-1079; IV:3181-3182.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional
 Amendments, Overtures Nos. 46, 50, 105, 169, 256 (Int. 254), 302
 (Int. 298), 321 (Int. 313), 324 (Int. 316), 325 (Int. 317), 357
 (Int. 348), 408 (Int. 377).

Dues from
corporations

- 1 § 2. Dues from corporations shall be secured by such in-
 2 dividual liability of the corporators and other means as may
 3 be prescribed by law.

Source

Const. 1846, Art. VIII, § 2.

Lincoln's Constitutional History

For court decisions construing this section, see IV:674-675.

See notes to § 1 of this Article.

References to constitutional conventions.

1846. II:193.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional
 Amendments, Overtures Nos. 84, 85, 105, 322 (Int. 314).

¹ For references to certain subjects coming within the general scope of
 Article VIII but not relating specifically to any particular section thereof,
 see Supplemental Notes following Article XV, post, under the titles Corpo-
 rations, and Railroads.

Article VIII, § 4

- 1 § 3. The term corporations as used in this article shall be Corpora-
 2 construed to include all associations and joint-stock companies tion; term
 3 having any of the powers or privileges of corporations not defined
 4 possessed by individuals or partnerships. And all corporations Actions by
 5 shall have the right to sue and shall be subject to be sued and against
 6 in all courts in like cases as natural persons. corporations

Source

Const. 1846, Art. VIII, § 3.

Lincoln's Constitutional History

For court decisions construing this section see IV:675-676.

See notes to § 1 of this Article.

References to constitutional conventions.

1846. II:189, 191, 194.

Debates of constitutional conventions

1846. 982 (Sept. 26), 1021-1022 (Sept. 30). 1867. II:1080.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 105, 112.

- 1 § 4. The Legislature shall, by general law, conform all Savings
 2 charters of savings banks, or institutions for savings, to a bank
 3 uniformity of powers, rights and liabilities, and all charters charters
 4 hereafter granted for such corporations shall be made to
 5 conform to such general law, and to such amendments as
 6 may be made thereto. And no such corporation shall have Restrictions
 7 any capital stock, nor shall the trustees thereof, or any of upon
 8 them, have any interest whatever, direct or indirect, in the trustees
 9 profits of such corporation; and no director or trustee of any
 10 such bank or institution shall be interested in any loan or
 11 use of any money or property of such bank or institution
 12 for savings. The Legislature shall have no power to pass Special
 13 any act granting any special charter for banking purposes; charters
 14 but corporations or associations may be formed for such prohibited
 15 purposes under general laws.

Source

Const. 1846, Art. VIII, § 4; amended in 1874.

Lincoln's Constitutional History

For court decisions construing this section see IV:677.

For historical sketch of the development of the banking and currency system in this colony and state down to 1846, with detailed reference to the financial legislation and to governors' messages on that subject during that period, see II:27-45.

Article VIII, § 5

References to constitutional conventions and commissions.

1821. II:33. 1846. II:195-198. 1872. II:551-552.

Debates of constitutional conventions

1846. 989-995 (Sept. 28).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 105, 189 (Int. 188), 221 (Int. 219).

Specie pay-
ments not
to be sus-
pended

- 1 § 5. The Legislature shall have no power to pass any law
- 2 sanctioning in any manner, directly or indirectly, the suspen-
- 3 sion of specie payments, by any person, association or corpora-
- 4 tion, issuing bank notes of any description.

Source

Const. 1846, Art. VIII, § 5.

Lincoln's Constitutional History

See notes under § 4 of this article.

Debates of constitutional conventions

1846. 989-996 (Sept. 28). 1867. II:1080-1085.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overture No. 105.

Bills or
notes;
registry,
security

- 1 § 6. The Legislature shall provide by law for the registry
- 2 of all bills or notes, issued or put in circulation as money,
- 3 and shall require ample security for the redemption of the
- 4 same in specie.

Source

Const. 1846, Art. VIII, § 6.

Lincoln's Constitutional History

For historical comment upon the reason for putting this provision into the Constitution, and the judicial construction of the same, see IV:678.

See also the notes to § 4 of this Article.

Debates of constitutional conventions

1846. 996-997, 1000-1005 (Sept. 28-29), 1073 (Oct. 8).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 105, 209-433 (Int. 207).

Liability
of bank
stock-
holders

- 1 § 7. The stock holders of every corporation and joint stock
- 2 association for banking purposes, shall be individually re-
- 3 sponsible to the amount of their respective share or shares of

Article VIII, § 9

- 4 stock in any such corporation or association, for all its debts
5 and liabilities of every kind.

Source

Const. 1846, Art. VIII, § 7; amended, Const. 1894, Art. VIII, § 7.

Lincoln's Constitutional History

For court decisions construing this section, see IV:679-680.

References to constitutional conventions.

1846. II:195-198. 1867. III:371-372. 1894. III:455-458.

Debates of constitutional conventions

1846. 226-227 (July 7), 989-990, 997-998 (Sept. 28), 1073 (Oct. 8).

1867. II:1089-1090.

1894. IV:903-922 (V:2476-2487), IV:1108-1110 (VI:2598-2599).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 69-434 (Int. 69),² 105, 136.

- 1 § 8. In case of the insolvency of any bank or banking asso- Bill hold-
2 ciation, the billholders thereof shall be entitled to preference ence in
3 in payment, over all other creditors of such bank or asso- bank in-
4 ciation. solvency

Source

Const. 1846, Art. VIII, § 8.

Lincoln's Constitutional History

See IV:680.

Debates of constitutional conventions

1867. II:1085.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overture No. 105.

- 1 § 9. Neither the credit nor the money of the State shall be No state
2 given or loaned to or in aid of any association, corporation or aid to cor-
3 private undertaking. This section shall not, however, prevent porations
4 the Legislature from making such provision for the education or private
5 and support of the blind, the deaf and dumb, and juvenile undertak-
6 delinquents, as to it may seem proper. Nor shall it apply ings
7 to any fund or property now held, or which may hereafter be Exception
8 held, by the State for educational purposes. as to edu-
Exception
as to funds
for educa-
tional pur-
poses

Source

Const. 1846, Art. VII, § 9; amended in 1874, Art. VIII, § 10; con-
tinued without change in Const. 1894, Art. VIII, § 9. See also
Const. 1894, Art. VII, § 1.

² This overture was adopted by the convention and accordingly became a part of the Constitution.

Article VIII, § 10

Lincoln's Constitutional History

For court decisions construing this section, see IV:681-693.

For history of state aid to private enterprises in this state down to 1846, with special reference to the legislation and to governors' messages on this subject, see II:91-101.

References to constitutional conventions and commissions.

1846. II:179-182. 1872. II:552-557.

Debates of constitutional conventions

1867. III:1840-1848, 2250-2259; V:3327-3330, 3366-3369, 3461-3482, 3764-3765.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 156, 298 (Int. 294).

In the legislature, 1895-1914: see Part II, post, p. 198.

Counties,
cities and
towns not
to give or
loan
money or
credit;
limitation
of indebted-
ness

1 § 10. No county, city, town or village shall hereafter give
2 any money or property, or loan its money or credit to or in
3 aid of any individual, association or corporation, or become
4 directly or indirectly the owner of stock in, or bonds of, any
5 association or corporation; nor shall any such county, city,
6 town or village be allowed to incur any indebtedness except
7 for county, city, town or village purposes. This section shall
8 not prevent such county, city, town or village from making
9 such provision for the aid or support of its poor as may be
10 authorized by law. No county or city shall be allowed to
11 become indebted for any purpose or in any manner to an
12 amount which, including existing indebtedness, shall exceed
13 ten per centum of the assessed valuation of the real estate
14 of such county or city subject to taxation, as it appeared
15 by the assessment rolls of said county or city on the last
16 assessment for state or county taxes prior to the incurring
17 of such indebtedness; and all indebtedness in excess of such
18 limitation, except such as now may exist, shall be absolutely
19 void, except as herein otherwise provided. No county or
20 city whose present indebtedness exceeds ten per centum of
21 the assessed valuation of its real estate subject to taxation,
22 shall be allowed to become indebted in any further amount
23 until such indebtedness shall be reduced within such limit.
24 This section shall not be construed to prevent the issuing
25 of certificates of indebtedness or revenue bonds issued in
26 anticipation of the collection of taxes for amounts actually

Article VIII, § 10

27 contained, or to be contained in the taxes for the year when
28 such certificates or revenue bonds are issued and payable
29 out of such taxes; nor to prevent the city of New York
30 from issuing bonds to be redeemed out of the tax levy for
31 the year next succeeding the year of their issue, provided
32 that the amount of such bonds which may be issued in any
33 one year in excess of the limitations herein contained shall
34 not exceed one-tenth of one per centum of the assessed
35 valuation of the real estate of said city subject to taxation.
36 Nor shall this section be construed to prevent the issue of
37 bonds to provide for the supply of water; but the term of
38 the bonds issued to provide the supply of water, in excess
39 of the limitation of indebtedness fixed herein, shall not ex-
40 ceed twenty years, and a sinking fund shall be created on
41 the issuing of the said bonds for their redemption, by raising
42 annually a sum which will produce an amount equal to the
43 sum of the principal and interest of said bonds at their
44 maturity. All certificates of indebtedness or revenue bonds
45 issued in anticipation of the collection of taxes, which are
46 not retired within five years after their date of issue, and
47 bonds issued to provide for the supply of water, and any
48 debt hereafter incurred by any portion or part of a city if
49 there shall be any such debt, shall be included in ascertain-
50 ing the power of the city to become otherwise indebted;
51 except that debts incurred by the city of New York after
52 the first day of January, nineteen hundred and four, and
53 debts incurred by any city of the second class after the first
54 day of January, nineteen hundred and eight, and debts
55 incurred by any city of the third class after the first day
56 of January, nineteen hundred and ten, to provide for the
57 supply of water, shall not be so included; and except further
58 that any debt hereafter incurred by the city of New York
59 for a public improvement owned or to be owned by the city,
60 which yields to the city current net revenue, after making
61 any necessary allowance for repairs and maintenance for
62 which the city is liable, in excess of the interest on said
63 debt and of the annual instalments necessary for its amorti-
64 zation may be excluded in ascertaining the power of said

Article VIII, § 10

city to become otherwise indebted, provided that a sinking fund for its amortization shall have been established and maintained and that the indebtedness shall not be so excluded during any period of time when the revenue aforesaid shall not be sufficient to equal the said interest and amortization instalments, and except farther that any indebtedness heretofore incurred by the city of New York for any rapid transit or dock investment may be so excluded proportionately to the extent to which the current net revenue received by said city therefrom shall meet the interest and amortization instalments thereof, provided that any increase in the debt incurring power of the city of New York which shall result from the exclusion of debts heretofore incurred shall be available only for the acquisition or construction of properties to be used for rapid transit or dock purposes. The legislature shall prescribe the method by which and the terms and conditions under which the amount of any debt to be so excluded shall be determined, and no such debt shall be excluded except in accordance with the determination so prescribed. The legislature may in its discretion confer appropriate jurisdiction on the appellate division of the supreme court in the first judicial department for the purpose of determining the amount of any debt to be so excluded. No indebtedness of a city valid at the time of its inception shall thereafter become invalid by reason of the operation of any of the provisions of this section. Whenever the boundaries of any city are the same as those of a county, or when any city shall include within its boundaries more than one county, the power of any county wholly included within such city to become indebted shall cease, but the debt of the county, heretofore existing, shall not, for the purposes of this section, be reckoned as a part of the city debt. The amount hereafter to be raised by tax for county or city purposes, in any county containing a city of over one hundred thousand inhabitants, or any such city of this state, in addition to providing for the principal and interest of existing debt, shall not in the aggregate exceed in any one year two per centum of the assessed valuation of the real and personal estate of such

Article VIII, § 11

104 county or city, to be ascertained as prescribed in this section
105 in respect to county or city debt.

Source

Amendments of 1874,³ Art. VIII, § 11; amended in 1884;³ amended, Const. 1894, Art. VIII, § 10; amended in 1899,⁴ 1905,⁴ 1907,⁴ and 1909.⁴

Lincoln's Constitutional History

For court decisions construing this section generally, and also with special reference to the limitation of indebtedness, to what constitutes a gratuity and what a county, city, town or village purpose, see IV:686-699.

References to constitutional conventions and commissions.

1867. II:358. 1872. II:557-561. 1894. III:454-455, 458-459; IV:685-686.

Debates of constitutional conventions

1867. II:1137-1170; III:1723-1726; V:3606-3607, 3663-3665.

1894. IV:980-1005.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 148-438 (Int. 148), 168, 237 (Int. 235), 298 (Int. 294), 464 (Int. 394).⁵

In the legislature, 1895-1914: see Part II, post, pp. 200-232.

1 § 11. The Legislature shall provide for a state board of State board
2 charities, which shall visit and inspect all institutions, of charities
3 whether state, county, municipal, incorporated or not incor-
4 porated, which are of a charitable, eleemosynary, correctional
5 or reformatory character, excepting only such institutions
6 as are hereby made subject to the visitation and inspection
7 of either of the commissions, hereinafter mentioned, but in-
8 cluding all reformatories except those in which adult males
9 convicted of felony shall be confined; a state commission in
10 lunacy, which shall visit and inspect all institutions, either State com-
11 public or private, used for the care and treatment of the mission in
12 insane (not including institutions for epileptics or idiots); lunacy
13 a state commission of prisons which shall visit and inspect State com-
mission of
prisons

³ For texts of the amendments of 1874 and 1884, see Lincoln's Constitutional History, I:308, 323-324, respectively.

⁴ For the legislative history of the amendments of 1899, 1905, 1907, and 1909 and the action of the people thereon, see Part II, post, pp. 200-207.

⁵ This overture was adopted by the convention and accordingly became a part of the Constitution.

14 all institutions used for the detention of sane adults charged
 15 with or convicted of crime, or detained as witnesses or
 16 debtors.⁶

Source

Const. 1894, Art. VIII, § 11. See also Const. 1846, Art. V, § 4.

Lincoln's Constitutional History

For comment on this section and court decisions construing it, see
 IV:700-702.

References to constitutional conventions.

1867. II:390-396. 1894. III:459-474.

Debates of constitutional conventions

1867. I:89-91; II:1309-1312; IV:2711-2753.

1894. IV:740-772 (V:2380-2400); IV:777-814 (V:2403-2425); IV:
 883-887 (V:2465-2467).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional
 Amendments, Overtures Nos. 261 (Int. 259), 446-460 (Int. 392).⁷

Appoint-
 ment and
 removal of
 commis-
 sioners

1 § 12. The members of the said board and of the said com-
 2 missions shall be appointed by the Governor, by and with the
 3 advice and consent of the Senate; and any member may be
 4 removed from office by the Governor for cause, an opportunity
 5 having been given him to be heard in his defense.⁸

Source

Const. 1894, Art. VIII, § 12.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional
 Amendments, Overture No. 446-460 (Int. 392).⁹

In the legislature, 1895-1914: see Part II, post, p. 232.

Certain
 state insti-
 tutions; ex-
 isting laws
 continued

1 § 13. Existing laws relating to institutions referred to in
 2 the foregoing sections and to their supervision and inspection,
 3 in so far as such laws are not inconsistent with the provisions

⁶ For references to various matters relating to the subject-matter of this section, see Supplemental Notes following Article XV, post, under the titles Charities, and State officers.

⁷ This overture was adopted by the convention and accordingly became a part of the Constitution.

⁸ For grouping of various matters relating to the appointment and removal of state officers, see Supplemental Notes following Article XV, post, under the titles Appointment, power of, and Removal, power of.

⁹ This overture was adopted by the convention and accordingly became a part of the Constitution.

Article VIII, § 14

4 of the Constitution, shall remain in force until amended or
 5 repealed by the Legislature. The visitation and inspection Visitation and inspection
 6 herein provided for, shall not be exclusive of other visitation
 7 and inspection now authorized by law.

Source

Const. 1894, Art. VIII, § 13.

Text of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overture No. 446-460 (Int. 392).¹⁰

In the legislature, 1895-1914: see Part II, post, p. 233.

1 § 14. Nothing in this Constitution contained shall prevent Defectives and delinquents; state and local education and support
 2 the Legislature from making such provision for the education
 3 and support of the blind, the deaf and dumb, and juvenile
 4 delinquents, as to it may seem proper; or prevent any county,
 5 city, town or village from providing for the care, support,
 6 maintenance and secular education, of inmates of orphan
 7 asylums, homes for dependent children or correctional in-
 8 stitutions, whether under public or private control. Pay-
 9 ments by counties, cities, towns and villages to charitable,
 10 eleemosynary, correctional and reformatory institutions,
 11 wholly or partly under private control, for care, support and
 12 maintenance, may be authorized, but shall not be required by
 13 the Legislature. No such payments shall be made for any
 14 inmate of such institutions who is not received and retained
 15 therein pursuant to rules established by the state board of
 16 charities. Such rules shall be subject to the control of the Control by legislature
 17 Legislature by general laws.¹¹

Source

Const. 1894, Art. VIII, § 14.

Lincoln's Constitutional History

For court decisions construing this section, see IV:703-705.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overture No. 446-460 (Int. 392).¹²

¹⁰ This overture was adopted by the convention and accordingly became a part of the Constitution.

¹¹ See notes to Art. VIII, § 9, ante, and to Art. IX, § 4, post.

¹² This overture was adopted by the convention and accordingly became a part of the Constitution.

Article VIII, § 15

Commissioners of charities and of lunacy continued in office; additional powers

- 1 § 15. Commissioners of the state board of charities and com-
- 2 missioners of the state commission in lunacy, now holding
- 3 office, shall be continued in office for the term for which they
- 4 were appointed, respectively, unless the Legislature shall
- 5 otherwise provide. The Legislature may confer upon the
- 6 commissions and upon the board mentioned in the foregoing
- 7 sections any additional powers that are not inconsistent with
- 8 other provisions of the Constitution.

Source

Const. 1894, Art. VIII, § 15.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overture No. 446-460 (Int. 392).¹³

ARTICLE IX ¹

Free common schools

- 1 Section 1. The Legislature shall provide for the maintenance
- 2 and support of a system of free common schools, wherein all
- 3 the children of this State may be educated.²

Source

Const. 1894, Art. IX, § 1.

Lincoln's Constitutional History

For historical sketch of the statutory and constitutional development of education in this colony and state, together with various comments on educational matters in general, see III:475-580.

For court decisions on educational matters, see IV:706-709.

References to constitutional conventions and commissions.

1846. II:204-207. 1867. II:362, 369, 370, 405. 1872. II:561-562. 1894. III:554-557; IV:706.

Debates of constitutional conventions

1846. 1022-1026 (Oct. 1), 1075-1076 (Oct. 8).

1867. II:1563-1564; IV:2908-2924; V:3809-3811, 3813-3814.

1894. III:689-696 (IV:1661-1665); IV:857-882 (V:2450-2464).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 310 (Int. 304), 439 (Int. 388).³

¹³ This overture was adopted by the convention and accordingly became a part of the Constitution.

¹ For references to educational matters not coming within the scope of any particular section of this Article, see Supplemental Notes following Article XV, post, under the following titles: Cornell University; State medical board. See also the provision in Article VIII, § 9, for the education and support of the blind, the deaf and dumb, and juvenile delinquents.

² For subject of compulsory education, see Supplemental Notes following Article XV, post, under the title Education.

³ This overture was adopted by the convention and accordingly became a part of the Constitution.

Article IX, § 3

1 § 2. The corporation created in the year one thousand seven University
of State of
New York
2 hundred and eighty-four, under the name of The Regents of
3 the University of the State of New York, is hereby continued
4 under the name of The University of the State of New York.
5 It shall be governed and its corporate powers, which may be Regents
6 increased, modified or diminished by the Legislature, shall be
7 exercised, by not less than nine regents.

Source

Const. 1894, Art. IX, § 2.

Lincoln's Constitutional History

For historical statement of the causes and the movement which led to the unification act of 1904 (Chapter 40), see IV:709-718.⁴

For statistical comment on the growth and development of university supervision, see III:548-550.

References to constitutional conventions.

1867. II:362, 368-369. 1894. III:552-553, 557-560.

Debates of constitutional conventions

1867. IV:2841-2897, 2902-2908.

1894. III:696-738 (IV:1665-1691); IV:857-882 (V:2450-2464).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 246 (Int. 244), 310 (Int. 304), 439 (Int. 388).⁵

1 § 3. The capital of the common school fund, the capital of Educational
funds
2 the literature fund, and the capital of the United States deposit
3 fund, shall be respectively preserved inviolate. The revenue of
4 the said common school fund shall be applied to the support of
5 common schools; the revenue of the said literature fund shall
6 be applied to the support of academies; and the sum of twenty
7 five thousand dollars of the revenues of the United States de-
8 posit fund shall each year be appropriated to and made part of
9 the capital of the said common school fund.

Source

Const. 1846, Art. IX, § 1; continued without change in Const. 1894, Art. IX, § 3. See also Const. 1821, Art. VII, § 10.

⁴ For references to former superintendent of public instruction, see Supplemental Notes following Article XV, post, under the title State officers.

⁵ This overture was adopted by the convention and accordingly became a part of the Constitution.

Article IX, § 4

Lincoln's Constitutional History

For history of funds, see III:509-524.

For court decisions construing this section, see IV:719.

References to constitutional conventions.

1846. II:204-207. 1867. II:361. 1894. III:560.

Debates of constitutional conventions

1846. 1074-1075 (Oct. 8).

1867. IV:2814-2841, 2897-2902, 2924-2925; V:3795-3808.

1894. III:738-739 (IV:1691-1692); IV:857-882 (V:2450-2464).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 310 (Int. 304), 326 (Int. 318), 439 (Int. 388).

In the legislature, 1895-1914: see Part II, post, p. 233.

Denomina-
tional
schools not
to receive
state aid

- 1 § 4. Neither the State nor any subdivision thereof, shall use
- 2 its property or credit or any public money, or authorize or
- 3 permit either to be used, directly or indirectly, in aid or main-
- 4 tenance, other than for examination or inspection, of any
- 5 school or institution of learning wholly or in part under the
- 6 control or direction of any religious denomination, or in which
- 7 any denominational tenet or doctrine is taught.

Source

Const. 1894, Art. IX, § 4.

Lincoln's Constitutional History

For historical sketch relating to sectarian appropriations, see III:553-554, 560-579.

For court decisions construing this section, see IV:719-720.

References to constitutional conventions and commissions.

1872. II:475. 1894. III:561-562, 575-579.

Debates of constitutional conventions

1867. IV:2712-2715.

1894. III:739-762 (IV:1692-1704); III:766-806 (IV:1707-1728);

III:955-986 (IV:1813-1830); IV:857-882 (V:2450-2464).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 2, 198 (Int. 197), 253 (Int. 251), 270 (Int. 268), 272 (Int. 270), 348 (Int. 339), 439 (Int. 388).^a

^a This overture was adopted by the convention and accordingly became a part of the Constitution.

Article X, § 1

ARTICLE X

1 Section 1. Sheriffs, clerks of counties, district attorneys, and
 2 registers in counties having registers, shall be chosen by the
 3 electors of the respective counties, once in every three years
 4 and as often as vacancies shall happen, except in the counties
 5 of New York and Kings, and in counties whose boundaries
 6 are the same as those of a city, where such officers shall be
 7 chosen by the electors once in every two or four years as the
 8 Legislature shall direct. Sheriffs shall hold no other office,
 9 and be ineligible for the next term after the termination of
 10 their offices. They may be required by law to renew their
 11 security, from time to time; and in default of giving such
 12 new security, their offices shall be deemed vacant. But the
 13 county shall never be made responsible for the acts of the
 14 sheriff. The Governor may remove any officer, in this section
 15 mentioned, within the term for which he shall have been
 16 elected; giving to such officer a copy of the charges against
 17 him, and an opportunity of being heard in his defense.¹

Sheriffs,
county
clerks, dis-
trict attor-
neys and
registers;
election,
term, etc.

Removal by
governor

Source

Const. 1821, Art. IV, § 8; amended, Const. 1846, Art. X, § 1; amended, Const. 1894, Art. X, § 1. See also Const. 1777, Articles XXVI and XXVIII.

Lincoln's Constitutional History

For history of this section and its judicial construction, with special reference to the governor's power of removal, see IV:721-733.

References to constitutional conventions.

1777. Sheriffs, terms, I:536.

1821. County officers, election, I:671; terms, I:673; removal, I:674. District attorney, selection, I:672; removal, I:674.

1846. County officers, selection, terms, removal, II:208-209. County's liability for sheriff's acts, II:208.

1894. Abolition of office of coroner as a constitutional office, and changing terms, III:580-581.

Debates of constitutional conventions

1821. Sheriff, selection and removal, 384-392 (Oct. 9-10).

1846. County officers, selection and removal, 1006-1009 (Sept. 29).

¹ For references to various matters relating to the subject-matter of this section, see Supplemental Notes following Article XV, post, under the titles Appointment, power of, Removal, power of, and County officers.

Article X, § 2

1867. County officers, removal, II:903-923. County's liability for sheriff's acts, V:3653. District attorney, appointment by governor, I:757; by court, II:1001-1004. Registers, exception in Kings county, II:999-1001. Sheriffs, removal, I:322-324; term, II:923-927, 1004-1005; security to be given, II:923-927.

1894. Abolition of coroner and changing official terms, I:837-854; IV:384-393, 1139-1156.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 6-339 (Int. 6),² 38, 56, 89, 285 (Int. 283), 337 (Int. 329), 337-428 (Int. 329), 358 (Int. 349).

In the legislature, 1895-1914: see Part II, post, pp. 234-235.

Election or
appoint-
ment of
officers
when not
provided for
by consti-
tution

1 § 2. All county officers, whose election or appointment is
2 not provided for by this Constitution, shall be elected by the
3 electors of the respective counties or appointed by the boards
4 of supervisors, or other county authorities, as the Legislature
5 shall direct. All city, town and village officers, whose election
6 or appointment is not provided for by this Constitution, shall
7 be elected by the electors of such cities, towns and villages,
8 or of some division thereof, or appointed by such authorities
9 thereof, as the Legislature shall designate for that purpose.
10 All other officers, whose election or appointment is not pro-
11 vided for by this Constitution, and all officers, whose offices
12 may hereafter be created by law, shall be elected by the
13 people, or appointed, as the Legislature may direct.

Source

Const. 1821, Art. IV, § 15; amended, Const. 1846, Art. X, § 2. See also Const. 1777, Articles XXIII and XXIX; amendment of 1826⁴ relating to justices of the peace; amendment of 1833⁴ relating to mayors.

Lincoln's Constitutional History

For the judicial construction of this section with special reference to the validity of statutes creating offices and distributing the power of appointment, see IV:734-757.

For detailed historical discussion of the subject of home rule and its development in this colony and state, see III:607-652.

References to constitutional conventions.

1777. I:536. 1846. II:208-209.

² This overture was adopted by the convention and accordingly became a part of the Constitution.

³ For references to various matters relating to the subject-matter of this section, see Supplemental Notes following Article XV, post, under the titles County officers, and Mayor.

⁴ For the text of the constitutional amendments of 1826 and 1833, see Lincoln's Constitutional History, I:222, 223.

Article X, § 5

Debates of constitutional conventions

1846. 1011-1012 (Sept. 30). 1867. II:927-930, 1005-1007.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 223 (Int. 221), 305 (Int. 299).

In the legislature, 1895-1914: see Part II, *post*, p. 236.

- 1 § 3. When the duration of any office is not provided by this Duration of
office
2 Constitution, it may be declared by law, and if not so declared,
3 such office shall be held during the pleasure of the authority
4 making the appointment.

Source

Const. 1777, Art. XXVIII; amended, Const. 1821, Art. IV, § 16;
amended, Const. 1846, Art. X, § 3.

Lincoln's Constitutional History

For history of this section and court decisions construing it, see IV:
757-760.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional
Amendments, Overture No. 61.

In the legislature, 1895-1914: see Part II, *post*, p. 236.

- 1 § 4. The time of electing all officers named in this article Time of
elections;
legislature
to fix
2 shall be prescribed by law.

Source

Const. 1821, Art. I, § 15, Art. IV, § 15; amended, Const. 1846, Art.
X, § 4. See also Const. 1777, Art. XXIX. In relation to mayors
see Const. 1777, Art. XXIII; Const. 1821, Art. IV, § 10; amend-
ments of 1833⁵ and 1839;⁵ Const. 1894, Art. XII, § 3.

Texts of proposed amendments

In the legislature, 1895-1914: see Part II, *post*, p. 237.

- 1 § 5. The Legislature shall provide for filling vacancies in Vacancies
in office
2 office, and in case of elective officers, no person appointed to
3 fill a vacancy shall hold his office by virtue of such appoint-
4 ment longer than the commencement of the political year next
5 succeeding the first annual election after the happening of the
6 vacancy.

Source

Const. 1846, Art. X, § 5.

⁵ For text of the constitutional amendments of 1833 and 1839, see Lincoln's
Constitutional History, I:223, 224.

Article X, § 6

Lincoln's Constitutional History

For court decisions construing this section, see IV:761-763.

Debates of constitutional conventions

1867. II:1363-1365.

Political
year; legis-
lative term

- 1 § 6. The political year and legislative term shall begin on
2 the first day of January; and the Legislature shall, every year,
3 assemble on the first Wednesday in January.

Source

Const. 1821, Art. I, § 14; continued without change in Const. 1846,
Art. X, § 6; amended, Const. 1894, Art. X, § 6.

Lincoln's Constitutional History

For judicial construction of this section, see IV:764.

References to constitutional conventions.

1821. Political year, I:640. 1867. Sessions, II:324-325. 1894.

Day of assembling, III:581.

Debates of constitutional conventions

1821. Political year, 121-122 (Sept. 10). 1846. Sessions, 431-436
(July 2). 1867. Sessions, II:1289-1293. 1894. Day of assem-
bling, II:688-689.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional
Amendments, Overture No. 444 (Int. 385).⁶

In the legislature, 1895-1914: see Part II, post, pp. 237-238.

Removals
from office

- 1 § 7. Provision shall be made by law for the removal for mis-
2 conduct or malversation in office of all officers, except judicial,
3 whose powers and duties are not local or legislative and who
4 shall be elected at general elections, and also for supplying
5 vacancies created by such removal.⁷

Source

Const. 1846, Art. X, § 7.

Texts of proposed amendments

In the legislature, 1895-1914: see Part II, post, p. 238.

Vacancies;
when legis-
lature may
determine

- 1 § 8. The Legislature may declare the cases in which any office
2 shall be deemed vacant when no provision is made for that
3 purpose in this Constitution.

Source

Const. 1846, Art. X, § 8.

⁶ This overture was adopted by the convention and accordingly became a part of the Constitution.

⁷ See Supplemental Notes following Article XV, post, under the title Removal, power of.

Article XI, § 1

Lincoln's Constitutional History

For judicial construction of this section, see IV:764-765.

Texts of proposed amendments

In the legislature, 1895-1914: see Part II, post, p. 238.

1 § 9. No officer whose salary is fixed by the Constitution
2 shall receive any additional compensation. Each of the other
3 state officers named in the Constitution shall, during his con-
4 tinuance in office, receive a compensation, to be fixed by law,
5 which shall not be increased or diminished during the term
6 for which he shall have been elected or appointed; nor shall
7 he receive to his use any fees or perquisites of office or other
8 compensation.

Compensa-
tion of con-
stitutional
officers

Source

Amendment of 1874, Art. X, § 9.

Lincoln's Constitutional History

For comment on this section, see IV:765.

References to constitutional conventions and commissions.

1872. II:562-563.

Debates of constitutional conventions

1846. Fees prohibited, 504, 517-520 (Aug. 4-5).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overture No. 49-366-378 (Int. 49).

In the legislature, 1895-1914: see Part II, post, p. 239.

ARTICLE XI¹

1 Section 1. All able-bodied male citizens between the ages
2 of eighteen and forty-five years, who are residents of the State,
3 shall constitute the militia, subject however to such exemp-
4 tions as are now, or may be hereafter created by the laws of
5 the United States, or by the Legislature of this State.

Militia,
how con-
stituted

Source

Const. 1821, Art. VII, § 5; amended, Const. 1846, Art. XI, § 1;
amended, Const. 1894, Art. XI, § 1. See also Const. 1777, Art.
XXIV.

Lincoln's Constitutional History

For historical sketch of the statutes and constitutional provisions in this colony and state relating to the militia, with general comments on the subject, see III:582-605, and IV:765-766.

¹ For the subject of pensions for military service, see Supplemental Notes following Article XV, post, under the title Pensions.

Article XI, § 2

For court decisions on military matters, see IV: 766-767.

References to constitutional conventions.

1777. I:546. 1846. II:209. 1867. II:378-379, 406. 1894. III: 602-605.

Debates of constitutional conventions

1821. Exemptions because of religious scruples, 577-580 (Oct. 31).

1867. Exemptions because of religious scruples, V:3686-3689; militia, II:1215-1221; V:3696-3698.

1894. IV:1088-1098 (VI:2585-2591).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 40, 235 (Int. 233), 342-453 (Int. 333).²

Enlistment

- 1 § 2. The Legislature may provide for the enlistment into
- 2 the active force of such other persons as may make application
- 3 to be so enlisted.

Source

Const. 1894, Art. XI, § 2.

Lincoln's Constitutional History

For comment on this section, see IV:767.

References to constitutional conventions.

1894. IV:767.

Debates of constitutional conventions

1867. II:1227. 1894. IV:1088-1098 (VI:2585-2591).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overture No. 342-453 (Int. 333).³

Militia; organization and maintenance

- 1 § 3. The militia shall be organized and divided into such
- 2 land and naval, and active and reserve forces, as the Legis-
- 3 lature may deem proper, provided however that there shall be
- 4 maintained at all times a force of not less than ten thousand
- 5 enlisted men, fully uniformed, armed, equipped, disciplined
- 6 and ready for active service.⁴ And it shall be the duty of the
- 7 Legislature at each session to make sufficient appropriations
- 8 for the maintenance thereof.

Source

Const. 1894, Art. XI, § 3.

² This overture was adopted by the convention and accordingly became a part of the Constitution.

³ This overture was adopted by the convention and accordingly became a part of the Constitution.

⁴ For reserve officers in national guard, see Supplemental Notes following Article XV, post, under the title National guard.

Article XI, § 5

Lincoln's Constitutional History

See notes under Art. XI, § 1.

Debates of constitutional conventions

1867. II:1215-1221, 1225-1227; V:3689, 3696-3698.

1894. IV:1088-1098 (VI:2585-2591).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overture No. 342-453 (Int. 333).⁵

- 1 § 4. The Governor shall appoint the chiefs of the several Governor to
2 staff departments, his aides-de-camp and military secretary, appoint
3 all of whom shall hold office during his pleasure, their com- certain
4 missions to expire with the term for which the Governor shall military
5 have been elected; he shall also nominate, and with the con- officers
6 sent of the Senate appoint, all major-generals.⁶

Source

Const. 1821, Art. IV, § 2; amended, Const. 1846, Art. XI, § 3;
amended, Const. 1894, Art. XI, § 4. See also Const. 1777, Art.
XXIV.

Lincoln's Constitutional History

For court decisions under this section, see IV:768.

References to constitutional conventions.

1777. I:535. 1821. I:672.

Debates of constitutional conventions

1821. 299-301 (Oct. 1).

1867. II:1221-1224; V:3691-3692, 3694-3695, 3861-3862.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overture No. 342-453 (Int. 333).⁷

In the legislature, 1895-1914: see Part II, post, p. 241.

- 1 § 5. All other commissioned and non-commissioned officers Other
2 shall be chosen or appointed in such manner as the Legislature military
3 may deem most conducive to the improvement of the militia, officers,
4 provided however that no law shall be passed changing the how
chosen

⁵ This overture was adopted by the convention and accordingly became a part of the Constitution.

⁶ For other references to the appointment of military officers, see Supplemental Notes following Article XV, post, under the titles Appointment, power of, and National guard.

⁷ This overture was adopted by the convention and accordingly became a part of the Constitution.

Article XI, § 6

5 existing mode of election and appointment unless two-thirds
6 of the members present in each house shall concur therein.

Source

Const. 1821, Art. IV, §§ 3 and 5; amended, Const. 1846, Art. XI, §§ 4 and 6; amended, Const. 1894, Art. XI, § 5. See also Const. 1777, Art. XXIV.

Lincoln's Constitutional History

For court decisions construing this section, see IV:768.

References to constitutional conventions.

1821. I:672. 1846. II:209.

Debates of constitutional conventions

1821. 643-644 (Nov. 8). 1867. II:1225; V:3692-3693. 1894. IV:1088-1098 (VI:2585-2591).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overture No. 342-453 (Int. 333).^a

Commis-
sioned off-
cers; how
commis-
sioned; re-
moval

1 § 6. The commissioned officers shall be commissioned by the
2 Governor as commander-in-chief. No commissioned officer
3 shall be removed from office during the term for which he shall
4 have been appointed or elected, unless by the Senate on the
5 recommendation of the Governor, stating the grounds on which
6 such removal is recommended, or by the sentence of a court-
7 martial, or upon the findings of an examining board organized
8 pursuant to law, or for absence without leave for a period of
9 six months or more.^a

Source

Const. 1821, Art. IV, § 4; continued without change in Const. 1846, Art. XI, § 5; amended, Const. 1894, Art. XI, § 6. See also Const. 1777, Articles XXIII and XXIV.

Lincoln's Constitutional History

For court decisions construing this section, see IV: 769-770.

References to constitutional conventions.

1821. I:674.

Debates of constitutional conventions

1867. II:1224-1225. 1894. IV:1088-1098 (VI:2585-2591).

^a This overture was adopted by the convention and accordingly became a part of the Constitution.

^a For other references to the removal of military officers, see Supplemental Notes following Article XV, post, under the title Removal, power of.

Article XII, § 1

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overture No. 342-453 (Int. 333).¹⁰

In the legislature, 1895-1914: see Part II, post, p. 242.

ARTICLE XII¹

- 1 Section 1. It shall be the duty of the legislature to provide
- 2 for the organization of cities and incorporated villages, and
- 3 to restrict their power of taxation, assessment, borrowing
- 4 money, contracting debts, and loaning their credit, so as to
- 5 prevent abuses in assessments and in contracting debt by
- 6 such municipal corporations; and the legislature may reg-
- 7 ulate and fix the wages or salaries, the hours of work or
- 8 labor, and make provision for the protection, welfare and
- 9 safety of persons employed by the state or by any county,
- 10 city, town, village or other civil division of the state, or by
- 11 any contractor or subcontractor performing work, labor or
- 12 services for the state, or for any county, city, town, village or
- 13 other civil division thereof.

Organiza-
tion of
cities and
villages;
legislature
to restrict
certain
local pow-
ers

State,
county and
municipal
employees;
regulation
by legisla-
ture

Source

Const. 1846, Art. VIII, § 9; continued without change in Const. 1894, Art. XII, § 1; amended in 1905.²

Lincoln's Constitutional History

For comment on this section and court decisions construing it, see IV:770-775.

For history of the movement to prevent the incorporation of cities and villages by special laws, see II:199-203; III:627-628; IV:770-771.

References to constitutional conventions.

1846. II:199-203. 1894. III:627-628, 647-648; IV:770-771.

Debates of constitutional conventions

1867. II:1230-1233, 1460-1462, 1507-1513; III:2095-2098; IV:3164-3168, 3177-3180.

1894. II:351-352 (II:813).

¹⁰ This overture was adopted by the convention and accordingly became a part of the Constitution.

¹ For references to various matters relating to cities, including the subject of home rule, see Supplemental Notes following Article XV, post, under the title Cities.

² For the legislative history of the amendment of 1905 and the action of the people thereon, see Part II, post, pp. 242-243.

Article XII, § 2

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 51, 72, 93, 207 (Int. 205), 353 (Int. 344).

In the legislature, 1895-1914: see Part II, post, pp. 242-247.

Classifica-
tion of
cities

General and
special city
laws

Special city
laws; how
passed by
legislature
and ac-
cepted by
cities

1 § 2. All cities are classified according to the latest state
2 enumeration, as from time to time made, as follows: The
3 first class includes all cities having a population of one hun-
4 dred and seventy-five thousand or more; the second class, all
5 cities having a population of fifty thousand and less than
6 one hundred and seventy-five thousand; the third class, all
7 other cities. Laws relating to the property, affairs of govern-
8 ment of cities, and the several departments thereof, are
9 divided into general and special city laws; general city laws
10 are those which relate to all the cities of one or more classes;
11 special city laws are those which relate to a single city, or
12 to less than all the cities of a class. Special city laws shall
13 not be passed except in conformity with the provisions of this
14 section. After any bill for a special city law, relating to a
15 city, has been passed by both branches of the legislature, the
16 house in which it originated shall immediately transmit a
17 certified copy thereof to the mayor of such city, and within
18 fifteen days thereafter the mayor shall return such bill to the
19 house from which it was sent, or if the session of the legis-
20 lature at which such bill was passed has terminated, to the
21 governor, with the mayor's certificate thereon, stating
22 whether the city has or has not accepted the same. In every
23 city of the first class, the mayor, and in every other city, the
24 mayor and the legislative body thereof concurrently, shall
25 act for such city as to such bill; but the legislature may pro-
26 vide for the concurrence of the legislative body in cities of
27 the first class. The legislature shall provide for a public
28 notice and opportunity for a public hearing concerning any
29 such bill in every city to which it relates, before action
30 thereon. Such a bill, if it relates to more than one city, shall
31 be transmitted to the mayor of each city to which it relates,
32 and shall not be deemed accepted unless accepted as herein
33 provided, by every such city. Whenever any such bill is
34 accepted as herein provided, it shall be subject as are other

Article XII, § 3

35 bills, to the action of the governor. Whenever, during the
 36 session at which it was passed, any such bill is returned with-
 37 out the acceptance of the city or cities to which it relates, or
 38 within such fifteen days is not returned, it may nevertheless
 39 again be passed by both branches of the legislature, and it
 40 shall then be subject as are other bills, to the action of the
 41 governor. In every special city law which has been accepted
 42 by the city or cities to which it relates, the title shall be
 43 followed by the words "accepted by the city," or "cities,"
 44 as the case may be; in every such law which is passed without
 45 such acceptance, by the words "passed without the accept-
 46 ance of the city," or "cities," as the case may be.

Passage
without
city's ac-
ceptance

Title of
special
city laws

Source

Const. 1894, Art. XII, § 2; amended in 1907.³

Lincoln's Constitutional History

For the judicial construction of this section with special reference to the question whether, in a given case, a bill is or is not a city bill, and therefore should or should not be transmitted to the city or cities affected, and for certain rules that have been formulated by Mr. Lincoln to aid in the determination of this question, see IV: 777-786. See also these pages for certain rules formulated by Mr. Lincoln relating to the provision requiring the return of city bills to the legislature or governor, and the computation of time in connection therewith.

References to constitutional conventions.

1894. III:628-652.

Debates of constitutional conventions

1894. Classification of cities. II:229-230 (II:747-748); II:243-244 (II:755-756); II:342-343 (II:807-808); II:353 (II:814). City laws, general and special. III:494-521 (IV:1552-1556); IV: 815-824 (V:2425-2431); IV:980-1005 (V:2522-2537). Referendum. II:244-246 (II:756-757); II:381-383 (II:829-830).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 267 (Int. 265), 461, 464 (Int. 394).⁴

In the legislature, 1895-1914: see Part II, post, pp. 248-252.

1 § 3. All elections of city officers, including supervisors and
 2 judicial officers of inferior local courts, elected in any city

City off-
cers; when
to be
elected;
terms

³ For legislative history of the amendment of 1907 and the action of the people thereon, see Part II, post, pp. 248-249.

⁴ This overture was adopted by the convention and accordingly became a part of the Constitution.

Article XII, § 3

3 or part of a city, and of county officers elected in the counties
 4 of New York and Kings, and in all counties whose boundaries
 5 are the same as those of a city, except to fill vacancies, shall
 6 be held on the Tuesday succeeding the first Monday in No-
 7 vember in an odd-numbered year, and the term of every such
 8 officer shall expire at the end of an odd-numbered year. The
 9 terms of office of all such officers elected before the first day
 10 of January, one thousand eight hundred and ninety-five,
 11 whose successors have not then been elected, which under
 12 existing laws would expire with an even-numbered year, or
 13 in an odd-numbered year and before the end thereof, are
 14 extended to and including the last day of December next
 15 following the time when such terms would otherwise expire;
 16 the terms of office of all such officers, which under existing
 17 laws would expire in an even-numbered year, and before the
 18 end thereof, are abridged so as to expire at the end of the
 19 preceding year. This section shall not apply to any city of
 20 the third class, or to elections of any judicial officer, except
 21 judges and justices of inferior local courts.

Exceptions

Source

Const. 1894, Art. XII, § 3. For election of mayor, see also Const. 1777, Art. XXIII; Const. 1821, Art. IV, § 10; amendments of 1833⁵ and 1839.⁶

Lincoln's Constitutional History

For court decisions construing this section, see IV:787-788.

References to constitutional conventions.

1894. III:628, 640-642.

Debates of constitutional conventions

1894. II:111-112 (II:683); II:169-170 (II:715); II:340-342 (II:806-807); II:353 (II:814); II:392-393 (II:835); III:276-342 (III:1429-1466).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 3, 88, 176 (Int. 175), 318 (Int. 310), 451 (Int. 369).⁶

In the legislature, 1895-1914: see Part II, post, p. 253.

⁵ For the text of the constitutional amendments of 1833 and 1839 relating to mayors, see Lincoln's Constitutional History, I:223, 224.

⁶ This overture was adopted by the convention and accordingly became a part of the Constitution.

Article XIII, § 1

ARTICLE XIII

1 **Section 1. Members of the Legislature, and all officers, ex-** Oath of
 2 **ecutive and judicial, except such inferior officers as shall be** office
 3 **by law exempted shall, before they enter on the duties of**
 4 **their respective offices, take and subscribe the following oath**
 5 **or affirmation: "I do solemnly swear (or affirm) that I will**
 6 **support the Constitution of the United States, and the Con-**
 7 **stitution of the State of New York, and that I will faithfully**
 8 **discharge the duties of the office of ———, according to the**
 9 **best of my ability;" and all such officers who shall have been**
 10 **chosen at any election shall, *befor they enter on the duties**
 11 **of their respective offices, take and subscribe the oath or**
 12 **affirmation above prescribed, together with the following**
 13 **addition thereto, as part thereof:**

14 **"And I do further solemnly swear (or affirm) that I have**
 15 **not directly or indirectly paid, offered or promised to pay,**
 16 **contributed, or offered or promised to contribute any money**
 17 **or other valuable thing as a consideration or reward for the**
 18 **giving or with-holding a vote at the election at which I was**
 19 **elected to said office, and have not made any promise to**
 20 **influence the giving or with-holding any such vote," and no**
 21 **other oath, declaration or test shall be required as a quali-**
 22 **fication for any office or public trust.¹**

Source

Const. 1821, Art. VI, § 1; continued without change in Const. 1846,
 Art. XII, § 1; amended in 1874, Art. XII, § 1; continued without
 change in Const. 1894, Art. XIII, § 1.

Lincoln's Constitutional History

For comment upon this section and court decisions construing it, see
 IV:789-790. See also IV:726.

References to constitutional conventions and commissions.

1777. I:552. 1867. II:406. 1872. II:482, 563-565, 571-572.
 1894. III:652-653.

Debates of constitutional conventions

1821. 206-210 (Sept. 21). 1867. I:606-616. 1894. II:457-460 (I:
 233-235).

* So in original.

¹ For references on the subject of the regulation of expenditures of candidates for public office, see Supplemental Notes following Article XV, post, under the title Campaign expenses.

Article XIII, § 2

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 34, 94, 142, 144, 158-445 (Int. 158), 190 (Int. 189), 356 (Int. 347).

Acceptance
of bribe by
public off-
icer a felony

1 § 2. Any person holding office under the laws of this State,
2 who, except in payment of his legal salary, fees or perquisites,
3 shall receive or consent to receive, directly or indirectly, any
4 thing of value or of personal advantage, or the promise
5 thereof, for performing or omitting to perform any official
6 act, or with the express or implied understanding that his
7 official action or omission to act is to be in any degree in-
8 fluenced thereby, shall be deemed guilty of a felony. This
9 section shall not affect the validity of any existing statute in
10 relation to the offense of bribery.

Source

Amendments of 1874, Art. XV, § 1; continued without change in
Const. 1894, Art. XIII, § 2.

Lincoln's Constitutional History

References to constitutional conventions.

1867. II:379-382, 406. 1872. II:571-572.

Debates of constitutional conventions

1867. III:2276-2288; IV:2568-2573; V:3297-3320, 3331-3355.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional
Amendments, Overture No. 211 (Int. 209).

Offer of
bribe to
public off-
icer a felony

Person of-
fering
bribe not
privileged
from testi-
fying; im-
munity

1 § 3. Any person who shall offer or promise a bribe to an
2 officer, if it shall be received, shall be deemed guilty of a
3 felony and liable to punishment, except as herein provided.
4 No person offering a bribe shall, upon any prosecution of the
5 officer for receiving such bribe, be privileged from testifying
6 in relation thereto, and he shall not be liable to civil or
7 criminal prosecution therefor, if he shall testify to the giving
8 or offering of such bribe. Any person who shall offer or
9 promise a bribe, if it be rejected by the officer to whom it was
10 tendered, shall be guilty of an attempt to bribe, which is
11 hereby declared to be a felony.

Source

Amendments of 1874, Art. XV, § 2; continued without change in
Const. 1894, Art. XIII, § 3.

Article XIII, § 5

Lincoln's Constitutional History

For court decisions relating to bribery, see IV:791-792.

Debates of constitutional conventions

1867. III:2276-2280; IV:2568-2573; V:3297-3320, 3331-3355.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overture No. 211 (Int. 209).

- 1 § 4. Any person charged with receiving a bribe, or with
 2 offering or promising a bribe, shall be permitted to testify in
 3 his own behalf in any civil or criminal prosecution therefor.

Defendant
in bribery
case may
testify in
his own be-
half

Source

Amendments of 1874, Art. XV, § 3; continued without change in
 Const. 1894, Art. XIII, § 4.

Lincoln's Constitutional History

References to constitutional conventions and commissions.

1872. II:571-572. 1894. III:653.

Debates of constitutional conventions

1894. I:733-734 (I:384).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional
 Amendments, Overtures Nos. 197 (Int. 196), 211 (Int. 209).

- 1 § 5. No public officer, or person elected or appointed to a
 2 public office, under the laws of this State, shall directly or
 3 indirectly ask, demand, accept, receive or consent to receive
 4 for his own use or benefit, or for the use or benefit of another,
 5 any free pass, free transportation, franking privilege or dis-
 6 crimination in passenger, telegraph or telephone rates, from
 7 any person or corporation, or make use of the same himself
 8 or in conjunction with another. A person who violates any
 9 provision of this section, shall be deemed guilty of a mis-
 10 demeanor, and shall forfeit his office at the suit of the At-
 11 torney-General. Any corporation, or officer or agent thereof,
 12 who shall offer or promise to a public officer, or person elected
 13 or appointed to a public office, any such free pass, free trans-
 14 portation, franking privilege or discrimination, shall also be
 15 deemed guilty of a misdemeanor and liable to punishment
 16 except as herein provided. No person, or officer or agent of a
 17 corporation giving any such free pass, free transportation,
 18 franking privilege or discrimination hereby prohibited, shall

Discrimina-
tion in
favor of
public off-
icers in
transporta-
tion, tele-
graph and
telephone
rates,
franking
privileges,
etc., pro-
hibited;
penalties

No privi-
lege from
testifying;
immunity
granted

Article XIII, § 6

19 be privileged from testifying in relation thereto, and he
 20 shall not be liable to civil or criminal prosecution therefor if
 21 he shall testify to the giving of the same.

Source

Const. 1894, Art. XIII, § 5.

Lincoln's Constitutional History

For comment upon this section and court decisions construing it, see IV:791-792.

References to constitutional conventions and commissions.

1890. II:717-718, 724. 1894. III:653-658; IV:793.

Debates of constitutional conventions

1894. III:117-139 (III:1345-1356); IV:480-512 (V:2230-2248).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 47-384 (Int. 47),² 54, 328 (Int. 320).

In the legislature, 1895-1914: see Part II, post, p. 254.

Removal of
 district
 attorney for
 failure to
 prosecute

County ex-
 penses in
 bribery
 prosecution
 charge
 against
 state

1 § 6. Any district attorney who shall fail faithfully to
 2 prosecute a person charged with the violation in his county
 3 of any provision of this article which may come to his knowl-
 4 edge, shall be removed from office by the Governor, after due
 5 notice and an opportunity of being heard in his defense. The
 6 expenses which shall be incurred by any county, in investi-
 7 gating and prosecuting any charge of bribery or attempting
 8 to bribe any person holding office under the laws of this
 9 State, within such county, or of receiving bribes by any such
 10 person in said county, shall be a charge against the State, and
 11 their payment by the State shall be provided for by law.

Source

Amendments of 1874, Art. XV, § 4; continued without change in
 Const. 1894, Art. XIII, § 6.

Lincoln's Constitutional History

For court decisions construing this section, see IV:794.

References to constitutional conventions.

1867. II:380, 406.

Debates of constitutional conventions

1867. V:3820-3824.

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overture No. 211 (Int. 209).

² This overture was adopted by the convention and accordingly became a part of the Constitution.

ARTICLE XIV

1 Section 1. Any amendment or amendments to this Consti- Constitutional
2 tution may be proposed in the Senate and Assembly; and if amend-
3 the same shall be agreed to by a majority of the members ments;
4 elected to each of the two houses, such proposed amendment passage in
5 or amendments shall be entered on their journals, and the legislature
6 yeas and nays taken thereon, and referred to the Legislature
7 to be chosen at the next general election of senators, and
8 shall be published for three months previous to the time of
9 making such choice; and if in the Legislature so next chosen,
10 as aforesaid, such proposed amendment or amendments shall
11 be agreed to by a majority of all the members elected to each
12 house, then it shall be the duty of the Legislature to submit Submission
13 each proposed amendment or amendments to the people for to and
14 approval in such manner and at such times as the Legislature ratification
15 shall prescribe; and if the people shall approve and ratify by people
16 such amendment or amendments by a majority of the electors
17 voting thereon, such amendment or amendments shall be Time of
18 come a part of the Constitution from and after the first day taking
19 of January next after such approval.¹ effect

Source

Const. 1821, Art. VIII, § 1; amended, Const. 1846, Art. XIII, § 1;
amended, Const. 1894, Art. XIV, § 1.

Lincoln's Constitutional History

For comment on this section and summary of action which has been
taken under it, see IV:795-796.

References to constitutional conventions and commissions.

1821. I:750-751. 1867. II:382. 1872. II:565. 1894. III:659.

Debates of constitutional conventions

1821. 291-294 (Sept. 29). 1846. 1038 (Oct. 2). 1867. II:1351; IV:
2804-2814, 3018-3020. 1894. II:4-25 (II:625-636).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional
Amendments, Overture No. 375-383-436 (Int. 368).²

In the legislature, 1895-1915: see Part II, post, pp. 255-258.

¹ For the text of all amendments to the Constitution that have been proposed in the legislature from 1895 to 1914, inclusive, pursuant to this section, the legislative history of these proposals, and the action of the people on the amendments submitted to them, see Part II of this work.

² This overture was amended in the committee of the whole and reprinted (see overture as it was on the order of third reading), but no new reprint

Article XIV, § 2

Submission
to people
of question
of consti-
tutional
convention;
election of
delegates

Convention;
time, place,
etc.

Compensa-
tion of
delegates

Quorum

Vote on
amendments

Officers,
employees,
rules, etc.

Vacancies
among
delegates

§ 2. At the general election to be held in the year one thousand nine hundred and sixteen, and every twentieth year thereafter, and also at such times as the Legislature may by law provide, the question, " Shall there be a convention to revise the Constitution and amend the same?" shall be decided by the electors of the State; and in case a majority of the electors voting thereon shall decide in favor of a convention for such purpose, the electors of every senate district of the State, as then organized, shall elect three delegates at the next ensuing general election at which members of the Assembly shall be chosen, and the electors of the State voting at the same election shall elect fifteen delegates at large. The delegates so elected shall convene at the capitol on the first Tuesday of April next ensuing after their election, and shall continue their session until the business of such convention shall have been completed. Every delegate shall receive for his services the same compensation and the same mileage as shall then be annually payable to the members of the Assembly. A majority of the convention shall constitute a quorum for the transaction of business, and no amendment to the Constitution shall be submitted for approval to the electors as hereinafter provided, unless by the assent of a majority of all the delegates elected to the convention, the yeas and nays being entered on the journal to be kept. The convention shall have the power to appoint such officers, employes and assistants as it may deem necessary, and fix their compensation and to provide for the printing of its documents, journal and proceedings. The convention shall determine the rules of its own proceedings, choose its own officers, and be the judge of the election, returns and qualification of its members. In case of a vacancy, by death, resignation or other cause, of any district delegate elected to the convention, such vacancy shall be filled by a vote of the remaining delegates representing the district in which such vacancy occurs. If such vacancy occurs in the office

number was given to it. When reached on the order of third reading it was passed but immediately reconsidered and section 2 amended (see Revised Record, IV:1104-1108, original record, 2595-2598), but the overture as thus amended and finally passed was apparently never printed. Sections 1 and 3, however, were not affected by the amendment made upon the reconsideration.

Article XIV, § 2

36 of a delegate-at-large, such vacancy shall be filled by a vote
 37 of the remaining delegates-at-large. Any proposed consti-
 38 tution or constitutional amendment which shall have been
 39 adopted by such convention, shall be submitted to a vote
 40 of the electors of the State at the time and in the manner
 41 provided by such convention, at an election which shall be
 42 held not less than six weeks after the adjournment of such
 43 convention. Upon the approval of such constitution or con-
 44 stitutional amendments, in the manner provided in the last
 45 preceding section, such constitution or constitutional amend-
 46 ment, shall go into effect on the first day of January next
 47 after such approval.

Submission
to and
ratification
by people
of constitu-
tion or
amendments

Time of
taking
effect

Source

Const. 1846, Art. XIII, § 2; amended, 1874, Art. XVI, § 1;^{*} amended,
 Const. 1894, Art. XIV, § 2.

Lincoln's Constitutional History

For history of the movement to call the constitutional convention which finally met in 1821, with special reference to the veto by the council of revision, on objections reported by Chancellor Kent, of the convention bill of November 20, 1820, on the grounds, first, that it contained no provision for ascertaining the sense of the people on the question of holding a convention; and second, that it provided for submitting the amended constitution to the people as a whole, and did not give them any opportunity to discriminate as to their approval or disapproval of its different parts, see I: 616-623.

For history of the efforts to call constitutional conventions in 1858, 1861 and 1865, see II:233-234.

For discussion of the power of the legislature (in the absence of constitutional restrictions) to control the time and manner of the submission to the people of a constitution adopted by a constitutional convention, and remarks on legislative control, in general, of a constitutional convention, see II:407-418.

For statement of the events from 1886, when the people voted that a constitutional convention should be held, to the holding of the convention in 1894, including an historical sketch of the reasons for this long delay, see III:4-25.

References to constitutional conventions and commissions.

1821. I:751-752; II:210.

1846. II:209-213.

1867. II:242-243, 382-383, 407-414.

1872. II:572-574.

^{*} For the text of the constitutional amendment of 1874, see Lincoln's Constitutional History, I: 311.

Article XIV, § 3

1894. When conventions to be held, III:660-661; how conventions constituted, III:661-664; powers of convention, III:664-671.

Debates of constitutional conventions

1821. Method of submission, 625-627 (Nov. 5).

1846. Convention, 794⁴; submission, 1079 (Oct. 9); publication, 961 (Sept. 24), 1079 (Oct. 9).

1867. Convention, how called, V:3825-3827; method of submission, I:392-410, V:3790-3792, 3876-3893, 3916-3926; time of submission, V:3893-3907; publication, V:3926-3927.

1894. Convention, IV:826-833 (V:2432-2435), IV:891-901 (V:2470-2476), IV:1102-1108 (V:2595-2598); powers of convention, I:336-337 (I:164); convention, judge of election of members, I:244-246, I:248-270 (I:122-133), I:334; publication, IV:711 (V:2364), IV:1232-1250 (VI:2670-2679), IV:1268-1272 (VI:2690-2692); submission, II:4-25 (II:625-636); IV:1102-1108 (V:2595-2598), IV:1232-1250 (VI:2670-2679).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overtures Nos. 59, 206 (Int. 204), 239 (Int. 237), 287 (Int. 285), 293 (Int. 289), 375-383-436 (Int. 368).⁵

In the legislature, 1895-1914: see Part II, post, pp. 260-261.

Amend-
ments co-
incidentally
submitted
by conven-
tion and
legislature

- 1 § 3. Any amendment proposed by a constitutional conven-
- 2 tion relating to the same subject as an amendment proposed
- 3 by the Legislature, coincidentally submitted to the people for
- 4 approval at the general election held in the year one thousand
- 5 eight hundred and ninety-four, or at any subsequent election,
- 6 shall, if approved, be deemed to supersede the amendment so
- 7 proposed by the Legislature.

Source

Const. 1894, Art. XIV, § 3.

Lincoln's Constitutional History

For explanation of this section, see III:671, and IV:799-800.

Debates of constitutional conventions

1894. IV:891-901 (V:2470-2476).

Texts of proposed amendments

In the constitutional convention of 1894: see Proposed Constitutional Amendments, Overture No. 375-383-436 (Int. 368).⁵

⁴ This page reference is to the Argus edition of the 1846 debates. It is apparently not covered by the Atlas edition. See introductory note.

⁵ This overture was adopted by the convention and accordingly became a part of the Constitution.

Article XV, § 1

ARTICLE XV.

1 **Section 1.** This Constitution shall be in force from and
2 including the first day of January, one thousand eight hun-
3 dred and ninety-five, except as herein otherwise provided.

Constitu-
tion, in
effect
when

4 Done in Convention at the Capitol in the city of Albany,
5 the twenty ninth day of September, in the year one
6 thousand eight hundred and ninety-four, and of the
7 Independence of the United States of America the
8 one hundred and nineteenth.

9 In witness whereof, we have hereunto subscribed
10 our names.

11 **JOSEPH HODGES CHOATE**

12 President and Delegate at Large.

13 **CHARLES ELLIOTT FITCH**

14 Secretary.

Lincoln's Constitutional History

For reference to certain parts of the Constitution of 1846, the operation of which was postponed, see II:216-217. For similar information relative to the Constitution of 1894, see III:671-672.

SUPPLEMENTAL NOTES ¹

Aliens

Naturalization.

Lincoln. (1777) I: 547-552.

Title to land.

Lincoln. (1867) II: 294. (1872) II: 475.

Convention debates. 1867. V: 3257-3260, 3555-3556.

Appeals

On questions of procedure, to supreme court.

Convention debates. 1867. V: 3729-3730, 3859-3861.

Appointment, power of

By council of appointment.

Lincoln. (1777) I: 531-535, 577-581. (1801) I: 610-612, 615-620. (1821) I: 596-607, 749-750.

Convention debates. 1821. 296-301 (Oct. 1), 309-327 (Oct. 2-3), 674-676 (Appendix).

By governor.

In general.

Lincoln. (1872) II: 468-469, 520-532.

Convention debates. 1821. 589-592 (Nov. 1); 674-676 (Appendix).

1867. II: 1235-1269, 1272-1280.

Judges of court of appeals, vacancies (when senate not in session). See Art. VI, § 8.

Justices of the appellate division. See Art. VI, § 2.

Military officers. See Art. XI, § 4.

Police officers in cities.

Lincoln. (1894) III: 642-643.

Convention debates. 1894. III: 372-419 (III: 1482-1509), III: 432-448 (III: 1518-1526).

Surrogates. See Art. VI, § 15.

By governor with consent of senate.

Judges of court of appeals, vacancies. See Art. VI, § 8.

Military officers. See Art. XI, § 4.

State board of charities. See Art. VIII, §§ 11, 12.

State commission in lunacy. See Art. VIII, §§ 11, 12.

¹ For explanation of the references to Lincoln and to the convention debates, see the introductory note following the title page. The Lincoln references preceded by figures in parentheses are to the constitutional conventions or commissions occurring in the years indicated within the parentheses.

In particular, see the introductory note following the title page for the warning against considering the Supplemental Notes as exhaustive. They are generally from their very nature fragmentary only, but are often supplemented by other references in the notes to the sections of the Constitution.

Appointment power of — Bills

Appointment, power of — continued

State commission of prisons. See Art. VIII, §§ 11, 12.

State treasurer, successor to. See Art. V, § 7.

Superintendent of public works. See Art. V, § 3.

Superintendent of prisons. See Art. V, § 4.

By legislature.

In general.

Convention debates. 1821. 599-600 (Nov. 1).

Certain officers not otherwise specified. See Art. X, § 2.

Certain vacancies. See Art. X, § 5.

Civil officers.

Convention debates. 1821. 302-307 (Oct. 1).

By mayor.

City officers.

Convention debates. 1867. IV:3157-3159.

Police officers.

Lincoln. (1894) III:642-643.

Convention debates. 1894. III:372-419 (III:1482-1509),
III:432-448 (IV:1518-1526).

Assessment

In cities.

Lincoln. (1846) II:198.

Method of.

Convention debates. 1867. V:3484-3500, 3757-3762.

Attorneys

Fees.

Lincoln. (1846) II:209.

Convention debates. 1846. 1013 (Sept. 30).

Qualifications.

Convention debates. 1846. 779-780 (Aug. 3).

Attorney-general

Duty in court of claims.

Convention debates. 1867. II:1347-1348, 1353-1361.

Banking and currency

History to 1846. Lincoln. II:27-45.

Convention debates. 1846. 182, 185 (June 29), 985-991, 994
(Sept. 28).

Banks

Bills and notes of.

Convention debates. 1846. 998-1005 (Sept. 28-29).

Bills

Introduction, limitation on time.

Lincoln. (1872) II:495-497.

Convention debates. 1867. II:1294-1305.

Bills — Canals

Bills — continued

Private or local.

Manner of passage.

Lincoln. (1872) II:495-497. (1894) III:302.

Convention debates. 1867. II:1371-1378.

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**NEW YORK
"STATE CONSTITUTION
ANNOTATED**

PART II

**Amendments to the Constitution Proposed in the Legisla-
ture, 1895-1914, Including Those Adopted by the People,
Those Submitted to the People but Rejected,
and Those Not Submitted to the People**

**PREPARED UNDER THE DIRECTION
OF THE
NEW YORK STATE LIBRARY**

**The New York State
Constitutional Convention Commission
1915**

ALBANY
J. B. LYON COMPANY, PRINTERS
1918

INTRODUCTORY NOTE

Article XIV of the Constitution provides two methods of submitting proposed changes to the people. One method is through the agency of a constitutional convention (see section 2). The other method is governed by section 1, which reads as follows:

Section 1. Any amendment or amendments to this Constitution may be proposed in the Senate and Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, and the yeas and nays taken thereon, and referred to the Legislature to be chosen at the next general election of senators, and shall be published for three months previous to the time of making such choice; and if in the Legislature so next chosen, as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit each proposed amendment or amendments to the people for approval in such manner and at such times as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors voting thereon, such amendment or amendments shall become a part of the Constitution from and after the first day of January next after such approval.

Part II of this work is concerned with the second method of amendment. It gives the text of all amendments proposed in the Legislature from 1895 to 1914, inclusive; the legislative history of these proposals by a reference to the Senate and Assembly journals; and the action of the people on such of these proposals as have been submitted to them. Under each section of the Constitution, whatever proposals have been made to amend the section are given in the following order: (1) Amendments submitted to the people and adopted; (2) Amendments submitted to the people but rejected, and (3) Amendments proposed but not submitted to the people. Under each of these three main heads the proposals are classified under appropriate sub-heads and those of a similar nature are grouped together.

The sections of the Constitution as adopted by the people on November 6, 1894, and the amendments to these sections that have since been adopted by them are printed in the same black face

Amendments Adopted and Proposed, 1895-1914

type in order to show clearly the provisions that are now in force, or that have actually been in force for some period since 1894. The changes in these sections are shown by enclosing old matter in brackets and by underlining new matter.

All proposals that have not become a part of the Constitution (either because upon submission to the people they were rejected, or because they never reached the stage which permitted them to be submitted to the people) are printed in a different type so that they will not be confused with provisions actually in force. For these proposals, while brackets are used to indicate old matter sought to be eliminated, new matter is indicated by italics.

Senate Rule No. 18 provides in part that "all resolutions which propose any amendment of the Constitution * * * shall be treated in the form of proceedings on them, in a similar manner with bills." The Assembly seems to have no rule on this subject, but there also, "proposed amendments of the Constitution are treated in form like bills." (Clerk's Manual for 1915, p. 624.) As the legislative procedure on concurrent resolutions to amend the Constitution is, in general, the same as on bills to change the statute law of the State, these resolutions are printed in the same form as bills and are identified and referred to in the legislative journals by introductory and print numbers. This fact accounts for the form of the annotations which will be found following these proposals as printed in this work. The abbreviation "S" stands for Senate, "A" for Assembly, and "J" for journal.

It is believed that the value of this work and facility in using it will be much enhanced by a careful preliminary examination of the table of contents and index, partly because proposals relating to the same general subject of constitutional amendment have not always been referred to the same section or article of the present Constitution.

F. D. C.

NEW YORK STATE CONSTITUTION ANNOTATED

PART II

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NEW YORK STATE CONSTITUTION ANNOTATED

PART II

**Amendments to the Constitution Proposed in the Legislature,
1895-1914, Including Those Adopted by the People,
Those Submitted to the People but Rejected,
and Those Not Submitted to the People**

NEW YORK STATE CONSTITUTION ANNOTATED

PART II

Amendments to the Constitution Proposed in the Legislature,
1895-1914, Including Those Adopted by the People,
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ARTICLE I

§ 2. The trial by jury in all cases in which it has been heretofore used shall remain inviolate forever; but a jury trial may be waived by the parties in all civil cases in the manner to be prescribed by law.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Verdict by less than full jury

§ 2. The trial by jury in all cases in which it has been heretofore used shall remain inviolate forever; but a jury trial may be waived by the parties in all civil cases *and in all criminal cases not amounting to felony* in the manner to be prescribed by law[.]; *and in case, after a jury has been empaneled for the trial of any civil or criminal action, not more than two jurors shall die, or, by sickness or some other cause satisfactory to the court, shall be unable to further attend the trial, the trial may proceed with the ten or eleven jurors, as the case may be, with the same force and effect as if all the jurors had remained; and also, the legislature may provide that when a jury of twelve men in any civil or criminal case shall be unable to agree upon a verdict, the judge may, in his discretion, take the verdict of not less than ten of the jurors, and such verdict shall have the same force and effect as if the whole twelve had agreed thereto.*

1901. A. No. 638 (Int. 583).
A. J. 292.

¹ For explanation of the purpose and plan of Part II of this work, and of the abbreviations used, see introductory note.

Article I, § 2

§ 2. (Proposal to add the following:) *The legislature may provide that in civil actions not less than five-sixths of the jurors of a jury may render a verdict which shall have the same force and effect as if all the jurors concurred therein.*

1904. A. No. 1998 (Int. 1395).
A. J. 1969.

§ 2. (Proposal to add the following:) *The verdict agreed upon by ten jurors in civil cases shall be the verdict of the jury, providing the verdict is not unanimous.*

1906. A. No. 379 (Int. 360).
A. J. 156.

§ 2. (Proposal to add the following:) *In all civil causes a verdict may be rendered by the concurrence of two-thirds of the jurors, and in all criminal causes by the concurrence of three-fourths of the jurors. The legislature shall at the next session, by appropriate legislation, provide for carrying this section into effect.*

1907. S. No. 114 (Int. 112).
S. J. 42.

§ 2. The trial by jury in all cases in which it has been heretofore used shall remain inviolate forever; except that in all civil and criminal cases, other than those wherein the punishment to be inflicted is death, the concurrence of three-fourths of the jurors shall be sufficient to return a verdict, provided that, when it is returned by a number less than the whole jury, it shall be signed by the jurors concurring therein; but a jury trial may be waived by the parties in all civil cases in the manner to be prescribed by law.

1909. A. No. 1446 (Int. 1252).
A. J. 826.

1910. A. No. 891 (Int. 779).
A. J. 458.

§ 2. (Proposal to add the following:) *Hereafter, in all civil and criminal cases which shall be tried by jury, three-fourths of the number of jurors sitting in any such case, concurring, shall have the power to render a verdict, and such verdict shall have the same force and effect as though found and returned by all the jurors sitting in said case.*

1912. S. No. 320 (Int. 307). (Same as A. No. 382.)
S. J. 77.

A. No. 382 (Int. 372). (Same as S. No. 320.)
A. J. 115.

§ 2. (Proposal to add the following:) *Hereafter, in all civil cases which shall be tried by jury, three-fourths of the number of jurors sitting in any such case, concurring, shall have the power to*

Article I, § 2

render a verdict, and such verdict shall have the same force and effect as though found and returned by all the jurors sitting in such case.

1914. A. No. 387 (Int. 384).
A. J. 148.

2. Waiver of jury trial—verdict by less than full jury—judgment on appeal

§ 2. The trial by jury in all cases in which it has been heretofore used shall remain inviolate forever; but *in all civil cases* a jury trial may be waived by the parties *and shall be deemed waived* [in all civil cases] *unless demanded in the manner to be prescribed by law; and in all criminal cases it may be waived in the manner to be prescribed by law. In all civil cases three-fourths of the jury may render a verdict. The legislature may provide that in any or all criminal cases five-sixths of the jury may render a verdict. In all cases the legislature may authorize trial by a jury of not less than six, and the jury may consist of any number less than twelve upon which the parties may agree. On appeal any appellate court (except as otherwise provided with respect to the court of appeals) may award final judgment on the record upon the right of any or all of the parties, or judgment of modification, according to justice; or may grant a new trial or further hearing either of the whole case or of any particular issue therein, as to any or all of the parties, as justice may require.*

1913. A. No. 822 (Int. 789).
A. J. 300.

3. Additional jurors to fill vacancies

§ 2. (Proposal to add the following:) *Additional jurors, to attend during a trial to fill vacancies which from any cause may occur on a jury, may be drawn in the manner to be prescribed by the legislature.*

1905. S. No. 43 (Int. 43). To A. Amended, A. No. 2030. To S.
S. J. 26, 163, 209, 241, 265, 1344.
A. J. 409, 2069, 2211, 2243, 2309, 2414, 2441, 2583.

§ 2. (Proposal to add the following:) *Additional jurors may be empaneled in the manner to be prescribed by the legislature, to attend upon a trial, to fill vacancies, which from any cause may occur on a jury during such trial.*

1906. S. No. 280 (Int. 257).
S. J. 103, 257, 489, 500, 739.
1907. A. No. 155 (Int. 155).
A. J. 50.
1908. A. No. 208 (Int. 205).
A. J. 74.

§ 6. No person shall be held to answer for a capital or otherwise infamous crime (except in cases of impeachment, and in cases of militia when in actual service; and the land and naval forces in time of war, or which this State may keep with the consent of Congress in time of peace, and in cases of petit larceny, under the regulation of the Legislature), unless on presentment or indictment of a grand jury, and in any trial in any court whatever the party accused shall be allowed to appear and defend in person and with counsel as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation.

AMENDMENT SUBMITTED TO THE PEOPLE BUT REJECTED

1. Excess condemnation

§ 6. (Proposal to add the following:) *When private property shall be taken for public use by a municipal corporation, additional adjoining or neighboring property may be taken under conditions to be prescribed by the legislature by general law. Property thus taken shall be deemed to be taken for public use.*

1909. S. No. 216 (Int. 211). (Same as A. No. 362.)

S. J. 108.

A. No. 362 (Int. 355). (Same as S. No. 216.)

A. J. 191.

1910. A. No. 1407 (Int. 1137). To Sec. of State.

A. J. 838, 2147, 2245, 2396, 2518, 3677, 3678.

S. J. 1213, 1903, 1993, 1994.

1911. S. No. 351 (Int. 202). (Same as A. No. 341.) To Sec. of State.

S. J. 85, 140, 440, 810, 1034, 1495.

A. J. 2191, 2896, 2900, 2917.

A. No. 341 (Int. 340). (Same as S. No. 351.)

A. J. 161.

Rejected Nov. 7, 1911.

Vote: for, 254,095; against, 357,881.

(For adopted amendment giving the right of excess condemnation, see Art. I, § 7, p. 8.)

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Eminent domain for water power development

§ 6. (Proposal to add the following:) *The legislature may, by general laws, provide for the taking, upon just compensation, of private property for the development of sources, conservation or utilization of water or regulation of its flow.*

1913. A. No. 538 (Int. 524).

A. J. 172.

Article I, § 6

2. Necessity for presentment or indictment—eminent domain for water power development

§ 6. No person shall be held to answer for a capital or otherwise infamous crime [(except in cases of impeachment, and in cases of militia when in actual service, and the land and naval forces in time of war, or which this state may keep with the consent of congress in time of peace, and in cases of petit larceny, under the regulation of the legislature)], unless on presentment or indictment of a grand jury, and in any trial in any court whatever the party accused shall be allowed to appear and defend in person and with counsel as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use, without just compensation. *The legislature may, by general laws, provide for the taking, upon just compensation, of private property for the development of sources, conservation or utilization of water or regulation of its flow.*

1912. A. No. 562 (Int. 539).
A. J. 166.

§ 6. No person shall be held to answer for a capital or otherwise infamous crime [(except in cases of impeachment, and in cases of militia when in actual service, and the land and naval forces in time of war, or which this state may keep with the consent of congress in time of peace, and in cases of petit larceny, under the regulation of the legislature)], unless on presentment or indictment of a grand jury, and in any trial in any court whatever the party accused shall be allowed to appear and defend in person and with counsel as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use, without just compensation. *The legislature may, by general laws, provide for the taking, upon just compensation, of private property for the construction and maintenance of water storage reservoir and for the development or conservation or utilization of water or regulation of its flow. Property so taken shall be deemed to be taken for a public use.*

1912. S. No. 1272 (Int. 345).
S. J. 92, 661.

3. Necessity for presentment or indictment—prosecution of misdemeanors—defendant as witness—appeals by people in criminal cases

§ 6. No person shall be held to answer for a *felony* [capital or otherwise infamous crime] (except in cases of impeachment, and in cases of militia when in actual service; and the land and naval forces in time of war, or which this state may keep with the consent of congress in time of peace, and in cases of petit larceny, under the regulation of the legislature), unless on presentment or indictment of a grand jury. *Misdemeanors shall be prosecuted as may be prescribed by law.* [And i] In any trial in any court whatever the party accused shall be allowed to appear and defend in person and with counsel as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; [nor shall he be compelled in any criminal case to be a witness against himself;] nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation. *The legislature, however, may authorize an appeal by the people in any criminal case from a dismissal of the indictment, a direction of acquittal, or from any erroneous ruling or decision of the trial judge in favor of the defendant: Provided that the appellate court may, notwithstanding, affirm the judgment if it consider that no substantial miscarriage of justice has actually occurred. On any appeal in a criminal case the appellate court shall, if it think that a different sentence should have been passed, quash the sentence passed at the trial, and pass such other sentence warranted in law by the verdict (whether more or less severe) in substitution therefor as it thinks ought to have been passed.*

1913. A. No. 824 (Int. 791).
A. J. 300.

4. Recall of judicial decisions on constitutional questions

§ 6. (Proposal to add the following:) *Provided, however, that nothing contained in this section shall be construed to render void as depriving a person of liberty or property without due process of law, an act of the legislature which is held by the strong and preponderant opinion of the people of the state to be greatly and immediately necessary to the public welfare; and if an act of the legislature, not in conflict with any other provision of this constitution, shall be declared by the court of appeals to be void on the ground that it deprives a person of liberty or property without*

Article I, § 7

due process of law, the question, " Shall chapter ——— (describing the act by the number of its chapter, the year or date of its enactment by the legislature, and its title) become a law?" shall be submitted to a vote of the electors of the state, if not less than two thousand electors in each of five counties of the state shall so petition in writing. Such question shall be submitted to the people, in the manner prescribed for the submission of constitutional amendments to a vote of the people, at the next general election which is held not less than six months after such decision of the court of appeals and not less than sixty days after the filing of such petition with the secretary of state; and in case a majority of the electors voting thereon shall decide in the affirmative of such question, the said act shall take effect thirty days after the date of such election; and the constitution shall not thereafter be construed to render void such act or any part thereof, but the said act shall be subject to amendment and repeal the same as other laws.

1913. S. No. 1118 (Int. 998). (Same as A. No. 1416.)

S. J. 395.

A. No. 1416 (Int. 1306). (Same as S. No. 1118.)

A. J. 612.

1914. A. No. 1460 (Int. 1315).

A. J. 865.

5. Workmen's compensation

§ 6. (Proposal to add the following:) *The legislature shall have power, notwithstanding anything in this article contained, to provide by law for the making by the employer of just and reasonable compensation to workmen for injuries received by them in the course of their employment, whether or not any negligence on the part of the employer appear. The legislature may also provide by law for the making by the employer of just and reasonable compensation to the next of kin of any deceased workman whose death shall be caused in the course of his employment, whether or not any negligence on the part of the employer appear.*

1911. S. No. 1158 (Int. 1019). (Same as A. No. 1700.) To A.

S. J. 822, 1880, 2215.

A. J. 3843, 4179, 4182, 4215.

A. No. 1700 (Int. 1424). (Same as S. No. 1158.)

A. J. 1335.

(For adopted amendment authorizing a workmen's compensation law, see Art. I, § 19, p. 15. For other proposals authorizing a workmen's compensation law, see amendments proposed to Art. I adding § 19, p. 16, and to Art. III adding § 30, p. 80.)

§ 7. *When private property shall be taken for any public use, the compensation to be made therefor, when such compensation*

Article I, § 7

is not made by the State, shall be ascertained by a jury or by not less than three commissioners appointed by a court of record, as shall be prescribed by law. Private roads may be opened in the manner to be prescribed by law; but in every case the necessity of the road and the amount of all damage to be sustained by the opening thereof shall be first determined by a jury of freeholders, and such amount, together with the expenses of the proceeding, shall be paid by the person to be benefited. General laws may be passed permitting the owners or occupants of agricultural lands to construct and maintain for the drainage thereof, necessary drains, ditches and dykes upon the lands of others, under proper restrictions and with just compensation, but no special laws shall be enacted for such purposes.

AMENDMENT SUBMITTED TO THE PEOPLE AND ADOPTED

§ 7. When private property shall be taken for any public use, the compensation to be made therefor, when such compensation is not made by the state, shall be ascertained by a jury, or by the supreme court with or without a jury, but not with a referee, or by not less than three commissioners appointed by a court of record, as shall be prescribed by law. Private roads may be opened in the manner to be prescribed by law; but in every case the necessity of the road and the amount of all damage to be sustained by the opening thereof shall be first determined by a jury of freeholders, and such amount, together with the expenses of the proceeding, shall be paid by the person to be benefited. General laws may be passed permitting the owners or occupants of agricultural lands to construct and maintain for the drainage thereof, necessary drains, ditches and dykes upon the lands of others, under proper restrictions and with just compensation, but no special laws shall be enacted for such purposes.

The legislature may authorize cities to take more land and property than is needed for actual construction in the laying out, widening, extending or relocating parks, public places, highways or streets; provided, however, that the additional land and property so authorized to be taken shall be no more than sufficient to form suitable building sites abutting on such park, public place, highway or street. After so much of the land and property has

Article I, § 7

been appropriated for such park, public place, highway or street as is needed therefor, the remainder may be sold or leased.

1912. S. No. 1015 (Int. 723). (Same as A. No. 1410.) To Sec. of State.
S. J. 266, 407, 595, 841, 1397.
A. J. 1614, 2301, 2304, 2311.

A. No. 1410 (Int. 1236). (Same as S. No. 1015.)
A. J. 727, 1143, 1207, 1246, 1356, 1382, 1452, 1569, 1701, 1809, 1917, 2080.

1913. A. No. 386 (Int. 383). Substituted for S. No. 249. To Sec. of State.
A. J. 118, 1054, 1119, 1144, 1194, 1288, 1568, 3605.
S. J. 947, 1878, 2053.

S. No. 249 (Int. 244). A. No. 386 substituted.
S. J. 69, 1129, 1702, 1878.

Adopted Nov. 4, 1913.

Vote: for, 424,928; against, 270,467.

(For other proposals to give the right of excess condemnation, see amendment proposed to Art. I, § 6, p. 4.)

AMENDMENT SUBMITTED TO THE PEOPLE BUT REJECTED

1. Condemnation proceedings — ascertainment of damages

§ 7. When private property shall be taken for any public use, the compensation to be made therefor, when such compensation is not made by the state, shall be ascertained by a jury, *by the supreme court with or without a jury* or by not less than three commissioners appointed by a court of record, as shall be prescribed by law. Private roads may be opened in the manner to be prescribed by law; but in every case the necessity of the road and the amount of all damage to be sustained by the opening thereof shall be first determined by a jury of freeholders, and such amount, together with the expenses of the proceeding, shall be paid by the person to be benefited. General laws may be passed permitting the owners or occupants of agricultural lands to construct and maintain for the drainage thereof, necessary drains, ditches and dikes upon the lands of others, under proper restrictions and with just compensation, but no special laws shall be enacted for such purposes.

1910. A. No. 1984 (Int. 25). (Same as S. No. 882.) To Sec. of State.
A. J. 33, 758, 1226, 1470, 1559, 1687, 1794, 3678.

S. J. 864, 1764, 1905, 1910, 2004.

S. No. 882. (Int. 789). (Same as A. No. 1984.)
S. J. 487.

1911. S. No. 352 (Int. 204). (Same as A. No. 292.) To Sec. of State.
S. J. 85, 140, 440, 592, 762, 1437, 1517, 2472.

A. J. 3008, 4043, 4049, 4063, 4227.

A. No. 292 (Int. 291). (Same as S. No. 352.)
A. J. 148.

Rejected Nov. 7, 1911.

Vote: for, 274,846; against, 322,782.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE**1. Condemnation proceedings—ascertainment of damages**

§ 7. When private property shall be taken for any public use, the compensation to be made therefor, when such compensation is not made by the state, shall be ascertained by a jury, or by [not less than three commissioners appointed by a court of record] *a commissioner or commissioners appointed or elected* as shall be prescribed by law. Private roads may be opened in the manner to be prescribed by law; but in every case the necessity of the road and the amount of all damage to be sustained by the opening thereof shall be first determined by a jury of freeholders, and such amount, together with the expenses of the proceeding, shall be paid by the person to be benefited. General laws may be passed permitting the owners or occupants of agricultural lands to construct and maintain for the drainage thereof, necessary drains, ditches and dykes upon the lands of others, under proper restrictions and with just compensation, but no special laws shall be enacted for such purposes.

1906. S. No. 865 (Int. 699). (Same as A. No. 2024.)

S. J. 531.

A. No. 2024 (Int. 608). (Same as S. No. 865.)

A. J. 807, 1833.

§ 7. When private property shall be taken for any public use, the compensation to be made therefor, when such compensation is not made by the state, shall be ascertained *by the supreme court or by a court constituted pursuant to the provisions of section twenty-four of article six of this constitution* or by a jury, or by not less than three commissioners appointed by a court of record, as shall be prescribed by law. Private roads may be opened in the manner to be prescribed by law; but in every case the necessity of the road and the amount of all damage to be sustained by the opening thereof shall be first determined by a jury of freeholders, and such amount, together with the expenses of the proceeding, shall be paid by the person to be benefited. General laws may be passed permitting the owners or occupants of agricultural lands to construct and maintain for the drainage thereof, necessary drains, ditches and dikes upon the lands of others, under proper restrictions and with just compensation, but no special laws shall be enacted for such purposes.

1909. S. No. 493 (Int. 210). (Same as A. No. 1504.)

S. J. 107, 301.

A. No. 1504 (Int. 354). (Same as S. No. 493.)

A. J. 191, 750, 876, 927, 1078, 1175, 1228, 1374. To S.

S. J. 752.

Article I, § 7

1910. S. No. 35 (Int. 35).
S. J. 17.

§ 7. When private property shall be taken for any public use the compensation to be made therefor, when such compensation is not made by the state shall be ascertained [by a jury, or by not less than three commissioners appointed by a court of record] *by the supreme court with or without a jury* as shall be prescribed by law. Private roads may be opened in the manner to be prescribed by law; but in every case the necessity of the road and [the amount of] all damage to be sustained by the opening thereof shall be first determined by a jury of freeholders, and such amount, together with the expenses of the proceeding, shall be paid by the person to be benefited. General laws may be passed permitting the owners or occupants of agricultural lands to construct and maintain for the drainage thereof, necessary drains, ditches, and dikes upon the lands of others, under proper restrictions and with just compensation, but no special laws shall be enacted for such purposes.

1910. S. No. 389 (Int. 376).
S. J. 160.

2. Condemnation proceedings — land court in first and second departments

§ 7. *Except as hereinafter provided, [W]hen private property shall be taken for any public use, the compensation to be made therefor, when such compensation is not made by the state, shall be ascertained by a jury, or by not less than three commissioners appointed by a court of record, as shall be prescribed by law[.], provided however, in the first and second judicial departments of the state, as at present or hereafter constituted, there shall be constituted a land court composed of justices of the supreme court, resident therein, to be designated by the governor to hold such court for such period of service therein as he shall by certificate appoint therein. The said land court shall consist of three justices and the concurrence of two shall be necessary for any award, finding, decision or judgment or upon any other matter coming before the court. The governor may designate that one or more parts of said land court be held and shall designate the justice of such additional part or parts of said court. In proceedings taken under this section the land court of the department wherein the proceedings are instituted shall have exclusive jurisdiction to hear, try and determine all questions arising in or out of the proceedings without regard to the county in which the land or*

Article I, § 7

property is situated or in which the owners or parties reside or in which a right or cause of action or claim arose. Private roads may be opened in the manner to be prescribed by law; but in every case the necessity of the road and [the amount of] all damage to be sustained by the opening thereof shall be first determined by a jury of freeholders, and such amount, together with the expenses of the proceeding, shall be paid by the person to be benefited. General laws may be passed permitting the owners or occupants of agricultural lands to construct and maintain for the drainage thereof, necessary drains, ditches and dikes upon the lands of others, under proper restrictions and with just compensation, but no special laws shall be enacted for such purposes.

1910. S. No. 94 (Int. 94).
S. J. 39, 1717.

3. Drainage of private lands constituted a public use

§7. (Proposal to add the following:) and the drainage of private land for the improvement thereof is hereby constituted a public use, for which land may be acquired for just compensation and the expense assessed to the persons or property benefited, by the state or a municipality, under appropriate laws.

1909. A. No. 543 (Int. 279). To Sec. of State.
A. J. 161, 308, 945, 1017, 1044, 1052, 1111, 2237.
S. J. 613, 823, 921, 1071.

§ 7. (Proposal to add the following:) and the drainage of any swamp or bog, or of any low or wet lands, for the purpose of making the same available or better fitted for the agricultural, residential or business use of owners or occupants thereof, is hereby constituted and declared to be, of itself, a sufficient public use, for which land or easements therein may be acquired, by the state or a municipality, for just compensation and for which the cost of any lands or easements thus acquired and the expense of constructing and maintaining the necessary drains, ditches, dykes and other suitable appliances may be assessed against the persons and property benefited, by the state or a municipality, under appropriate general laws.

1910. S. No. 805 (Int. 744). (Same as A. No. 2245.)
S. J. 435, 1468, 1730, 1743, 1887.
A. J. 3495.
A. No. 2245 (Int. 1170). (Same as S. No. 805.)
A. J. 910, 1827, 1920, 1950, 2082, 2179.
S. J. 1065.

Article I, § 9

§ 7. When private property shall be taken for any public use, the compensation to be made therefor, when such compensation is not made by the state, shall be ascertained by a jury, or by not less than three commissioners appointed by a court of record, as shall be prescribed by law. Private roads may be opened in the manner to be prescribed by law; but in every case the necessity of the road and the amount of all damage to be sustained by the opening thereof shall be first determined by a jury of freeholders, and such amount, together with the expenses of the proceeding, shall be paid by the person to be benefited. *The drainage of private land for the improvement thereof is hereby constituted a public use, for which land may be acquired for just compensation, and the expense assessed to the persons or property benefited.* General laws may be passed permitting the owners or occupants of agricultural lands to construct and maintain for the drainage thereof, necessary drains, ditches and dykes upon the lands of others, [under proper restrictions, and with just compensation, but no special laws shall be enacted for such purposes.] *but the necessity for such drainage and the amount of all damage to be sustained thereby shall be first determined by a jury, or by not less than three commissioners appointed by a court of record, and such amount, together with the expenses of the proceeding, shall be paid by the persons to be benefited.*

1913. S. No. 1184 (Int. 1037). (Same as A. No. 1382.)

S. J. 440.

A. No. 1382 (Int. 1271). (Same as S. No. 1184.)

A. J. 608.

§ 9. No law shall be passed abridging the right of the people peaceably to assemble and to petition the government, or any department thereof; nor shall any divorce be granted otherwise than by due judicial proceedings; nor shall any lottery or the sale of lottery tickets, pool-selling, book making, or any other kind of gambling hereafter be authorized or allowed within this State; and the Legislature shall pass appropriate laws to prevent offenses against any of the provisions of this section.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Bucket shops — buying on margin — dealing in futures

§ 9. No law shall be passed abridging the right of the people peaceably to assemble and to petition the government, or any department thereof; nor shall any divorce be granted otherwise than

Article I, § 9

by due judicial proceedings; nor shall any lottery or the sale of lottery tickets, pool-selling, book-making, *bucket-shops, buying of stocks, grain, cotton or produce on margin, or dealing in futures*, or any other kind of gambling hereafter be authorized or allowed within this state; and the legislature shall pass appropriate laws to prevent offenses against any of the provisions of this section.

1908. A. No. 891 (Int. 770).
A. J. 361.

2. Purchase or sale of securities on margin

§ 9. No law shall be passed abridging the right of the people peaceably to assemble and to petition the government, or any department thereof; nor shall any divorce be granted otherwise than by due judicial proceedings; nor shall *the purchase or sale of stocks, bonds or any investment securities on margin*, or any lottery or the sale of lottery tickets, pool-selling, book-making, or any other kind of gambling hereafter be authorized or allowed within this state; and the legislature shall pass appropriate laws to prevent offenses against any of the provisions of this section.

1909. S. No. 177 (Int. 175).
S. J. 67.

1910. S. No. 27 (Int. 27).
S. J. 15.

3. No discrimination favoring any gambling place

§ 9. (Proposal to add the following:) *but no law shall be enacted granting or allowing any discrimination of offenses or penalties in favor of any place of sale of lottery tickets, pool-selling, book-making, or any other kind of gambling.*

1908. S. No. 734 (Int. 611). (Same as A. No. 1566.)
S. J. 348.
A. No. 1566 (Int. 1228): (Same as S. No. 734.)
A. J. 966.

§ 16. Such parts of the common law, and of the acts of the Legislature of the colony of New York, as together did form the law of the said colony, on the nineteenth day of April, one thousand seven hundred and seventy five, and the resolutions of the Congress of the said colony, and of the convention of the State of New York, in force on the twentieth day of April, one thousand seven hundred and seventy-seven, which have not since expired, or been repealed or altered; and such acts of the Legislature of this State as are now in force, shall be and continue the law of this State, subject to such alterations as the Legislature shall

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make concerning the same. But all such parts of the common law, and such of the said acts, or parts thereof, as are repugnant to this Constitution, are hereby abrogated.

AMENDMENT PROPOSED BUT NOT SUBMITTED TO THE PEOPLE**1. Initiative, referendum and recall**

(For proposed amendment to this and other sections providing for the initiative, the referendum, and the recall of elective officers, see p. 293.)

AMENDMENT SUBMITTED TO THE PEOPLE AND ADOPTED

§ 19. Nothing contained in this constitution shall be construed to limit the power of the legislature to enact laws for the protection of the lives, health, or safety of employees; or for the payment, either by employers, or by employers and employees or otherwise, either directly or through a state or other system of insurance or otherwise, of compensation for injuries to employees or for death of employees resulting from such injuries without regard to fault as a cause thereof, except where the injury is occasioned by the willful intention of the injured employee to bring about the injury or death of himself or of another, or where the injury results solely from the intoxication of the injured employee while on duty; or for the adjustment, determination and settlement, with or without trial by jury, of issues which may arise under such legislation; or to provide that the right of such compensation, and the remedy therefor shall be exclusive of all other rights and remedies for injuries to employees or for death resulting from such injuries; or to provide that the amount of such compensation for death shall not exceed a fixed or determinable sum; provided that all moneys paid by an employer to his employees or their legal representatives, by reason of the enactment of any of the laws herein authorized, shall be held to be a proper charge in the cost of operating the business of the employer.

1912. S. No. 968 (Int. 193). To A. Amended, A. No. 1974. (Same as A. No. 1586.) To Sec. of State.

S. J. 50, 378, 624, 1368, 1413.

A. J. 1615, 1618, 2033, 2349.

A. No. 1586 (Int. 118). (Same as S. No. 968 as amended, A. No. 1974.) To S.

A. J. 50, 449, 942, 1158, 1261, 1294, 1470, 1492, 1507, 1573.

S. J. 950.

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1913. S. No. 1521 (Int. 116). (Same as A. No. 409.) To Sec. of State.
S. J. 41, 591, 686, 849, 1147, 1148.

A. J. 1541, 1927, 2051.

A. No. 409 (Int. 407). (Same as S. No. 1521.)

A. J. 121, 1644, 1717, 1808, 1948.

Adopted Nov. 4, 1913.

Vote: for, 510,914; against, 194,497.

(For other proposals authorizing a workmen's compensation law, see amendments proposed to Art. I, § 6, p. 7, Art. I, § 19, next following, and Art. III adding § 30, p. 80.)

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE**1. Workmen's compensation**

§ 19. (Proposal to add the following new section:) *The legislature may require employers, or employers and employees jointly, to make provision for, and to pay reasonable compensation, regardless of fault, to employees on account of injuries suffered by them arising out of and in course of the employment, or to the dependents of any such employees dying from such injury.*

To assure the payment of such compensation the legislature may prescribe or approve methods of insurance which may or may not include the mutual association of persons responsible for, or of persons entitled to such compensation, or both, with or without others. Any employer so insured may be relieved from personal responsibility for such compensation.

After the enactment of a compensation law no civil proceeding, other than as authorized by such law, shall be maintainable in respect of any accident covered thereby.

In the exercise of the powers herein conferred the legislature shall not be affected by provisions of this constitution requiring trial by jury and forbidding limitation of the amount recoverable in the case of an injury resulting in death.

1912. A. No. 618 (Int. 596).

A. J. 176.

(For other proposals authorizing a workmen's compensation law, see amendments proposed to Art. I, § 6, p. 7, and Art. III, § 30, p. 80.)

2. Employers' liability

§ 19. (Proposal to add the following new section:) *The legislature shall have power to provide that in every employment involving the rendition of personal service the employer shall be deemed to assume all risk of hazard and injury to the employee in such employment and directly liable therefor, and that such liability cannot be waived. The legislature shall regulate and define the maximum compensation for such injuries. The right to recover under such statutory provision shall be independent*

of existing remedies, and special proceedings may, in the discretion of the legislature, be provided therefor. The legislature may designate dependent persons who shall be entitled to recover such compensation for injuries resulting in death of the employee, in preference to personal representatives of the decedent who might otherwise be entitled to recover the same.

1912. A. No. 247 (Int. 247).

A. J. 79.

1913. A. No. 50 (Int. 50).

A. J. 39.

3. Abolishing death penalty

§ 19. (Proposal to add the following new section:) *The death penalty for the commission of crime is abolished, and every crime now punishable by death, shall hereafter be punished by imprisonment in a state prison for the offender's natural life.*

1900. A. No. 976 (Int. 851).

A. J. 537.

4. Natural resources — alienation

§ 19. (Proposal to add the following new section:) *All lands, mineral rights, water powers, and other natural resources and sources of natural wealth within the state, which are now or may hereafter become the property of the state, shall remain forever the property of the state, and shall not be alienated.*

1912. A. No. 1618 (Int. 1375).

A. J. 934.

5. Lease of state lands

§ 20. (Proposal to add the following new section:) *The lands of the state which are suitable for agriculture or dwellings may be leased or rented to private persons on terms to be fixed by the legislature or by the agents provided by statute for the proper handling of the same; but they shall not ever be permanently alienated from the possession of the state.*

1912. A. No. 1618 (Int. 1375).

A. J. 934.

6. Minimum wage

§ 20. (Proposal to add the following new section:) *The legislature shall have power to pass laws for the establishment, throughout the state, of a minimum wage scale for laborers, and for the creation of a permanent commission to fix the minimum standard of wages paid to all laborers within this state, and to supervise and enforce the same.*

1914. A. No. 573 (Int. 562).

A. J. 207.

Article I, § 21

7. Mineral rights

§ 21. (Proposal to add the following new section:) *All mineral rights hitherto reserved in contracts, deeds, or instruments conveying real estate are abolished and shall be inoperative after January first, nineteen hundred and twenty, and are declared to inhere in the state except where such mineral rights have been developed in whole or in part previous to January first, nineteen hundred and twenty. Persons forfeiting rights to the state under the provisions of this section shall be duly compensated therefor by the state in such manner as the legislature may provide, provided that the claim therefor is filed with the secretary of state on or before January first, nineteen hundred and twenty, which claim shall set forth in detail the damage suffered.*

1912. A. No. 1618 (Int. 1375).
A. J. 934.

ARTICLE II

§ 1. Every male citizen of the age of twenty-one years, who shall have been a citizen for ninety days, and an inhabitant of this State one year next preceding an election, and the last four months a resident of the county and for the last thirty days a resident of the election district in which he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people; and upon all questions which may be submitted to the vote of the people, provided that in time of war no elector in the actual military service of the State, or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the Legislature shall have power to provide the manner in which and the time and place at which such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

AMENDMENT TO BE SUBMITTED TO THE PEOPLE IN 1915

1. Woman suffrage

§ 1. Every [male] citizen of the age of twenty-one years, who shall have been a citizen for ninety days, and an inhabitant

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of this state one year next preceding an election, and *for* the last four months a resident of the county and for the last thirty days a resident of the election district in which he *or she* may offer his *or her* vote, shall be entitled to vote at such election in the election district of which he *or she* shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to the vote of the people, *provided that a citizen by marriage shall have been an inhabitant of the United States for five years; and* provided that in time of war no elector in the actual military service of the state, or of the United States, in the army or navy thereof, shall be deprived of his *or her* vote by reason of his *or her* absence from such election district; and the legislature shall have power to provide the manner in which and the time and place at which such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

1913. S. No. 236 (Int. 5). To Sec. of State.
S. J. 11, 36, 45, 61, 76, 100, 101, 116.
A. J. 170, 171.

1915. A. No. 13 (Int. 13). (Substituted for S. No. 209.) To Sec. of State.
A. J. 30, 110, 133, 175.
S. J. 132, 136.
S. No. 209 (Int. 189). (A. No. 13 substituted.)
S. J. 59, 68, 124.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Woman suffrage

§ 1. Every [male] citizen of the age of twenty-one years, who shall have been a citizen for ninety days, and an inhabitant of this state one year next preceding an election, and *for* the last four months a resident of the county, and for the last thirty days a resident of the election district in which he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to the vote of the people, provided that in time of war no elector in the actual military service of the State, or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from

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such election district; and the legislature shall have power to provide the manner in which and the time and place at which such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

1897. S. No. 442 (Int. 412). (Same as A. No. 917.)
 S. J. 175.
 A. No. 917 (Int. 799). (Same as S. No. 442.)
 A. J. 490.
1898. A. No. 181 (Int. 181).
 A. J. 79.
1906. S. No. 471 (Int. 422). (Same as A. No. 990.)
 S. J. 219.
 A. No. 990 (Int. 829). (Same as S. No. 471.)
 A. J. 565.
1907. S. No. 125 (Int. 123). (Same as A. No. 190.)
 S. J. 44.
 A. No. 190 (Int. 190). (Same as S. No. 125.)
 A. J. 58.
1908. S. No. 145 (Int. 144). (Same as A. No. 867.)
 S. J. 47.
 A. No. 867 (Int. 769). (Same as S. No. 145.)
 A. J. 361.
1909. S. No. 143 (Int. 142). (Same as A. No. 506.)
 S. J. 44.
 A. No. 506 (Int. 271). (Same as S. No. 143.)
 A. J. 159, 281.
1910. S. No. 24 (Int. 24). (Same as A. No. 349.)
 S. J. 14, 1764, 1915.
 A. No. 349 (Int. 333). (Same as S. No. 24.)
 A. J. 121, 2082.
1911. S. No. 65 (Int. 55). (Same as A. No. 86.)
 S. J. 32, 578.
 A. No. 86 (Int. 86). (Same as S. No. 55.)
 A. J. 59, 2009.

§ 1. Every [male] citizen, *except as hereinafter provided*, of the age of twenty-one years, who shall have been a citizen for ninety days, and an inhabitant of this state one year next preceding an election, and *for the last four months* a resident of the county, and for the last thirty days a resident of the election district in which he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to the vote of the people, provided that in time of war no elector in the actual military service of the state, or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election

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district; and the legislature shall have power to provide the manner in which and the time and place at which such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside. *The foregoing provisions of this section shall not apply to a female whose citizenship is derived solely by marriage with a citizen and who does not possess like qualifications as are required by law to entitle an alien male person to become a citizen. The legislature shall by law provide the manner in which such qualifications of such female citizen shall be ascertained. No other or further qualifications of such citizen shall be required than are required of a male alien to become a citizen.*

1911. S. No. 4 (Int. 4). (Same as A. No. 87.)

S. J. 10.

A. No. 87 (Int. 87). (Same as S. No. 4.)

A. J. 60, 2009.

§ 1. Every [male] citizen of the age of twenty-one years, who shall have been a citizen for ninety days, *except that a citizen by marriage only shall have been a resident for five years*, and an inhabitant of this state one year next preceding an election, and for the last four months a resident of the county, and for the last thirty days a resident of the election district in which [he] such citizen may offer his or her vote, shall be entitled to vote at such election in the election district of which he or she shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to the vote of the people, provided that in time of war no elector in the actual military service of the state, or of the United States, in the army or navy thereof, shall be [deprived of his vote] *prevented from voting* by reason of his or her absence from such election district; and the legislature shall have power to provide the manner in which and the time and place at which such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

1912. A. No. 1991 (Int. 573).

A. J. 173, 1107, 1253, 1299, 1874, 2119, 2138, 2151.

§ 1. Every [male] citizen of the age of twenty-one years, who shall have been a citizen for ninety days, and an inhabitant of this State one year next preceding an election, and for the last four

months a resident of the county, and for the last thirty days a resident of the election district in which [he] *such citizen* may offer his *or or her vote, shall be entitled to vote at such election in the election district of which he or she shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people; and upon all questions which may be submitted to the vote of the people, provided that in time of war no elector in the actual military service of the state, or of the United States, in the army or navy thereof, shall be [deprived of his vote] *prevented from voting* by reason of his or her absence from such election district; and the legislature shall have power to provide the manner in which and the time and place at which such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside[.] *but a citizen by marriage only shall not be entitled to vote, unless she shall have made it appear to the satisfaction of a court authorized to issue certificates of naturalization that she has resided within the United States five years, within the state or territory where such court is held one year, and that during that time she has behaved as a person of good moral character, attached to the principles of the constitution, and well disposed to the good order and happiness of the same.*

1913. A. No. 9 (Int. 9).

A. J. 33.

§ 1. Every [male] citizen of the age of twenty-one years, who shall have been a citizen for ninety days, and an inhabitant of this state one year next preceding an election, and for the last four months a resident of the county and for the last thirty days a resident of the election district in which he or she may offer his or her vote, shall be entitled to vote at such election in the election district of which he or she shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to the vote of the people, provided that in time of war no elector in the actual military service of the state, or of the United States, in the army or navy thereof, shall be deprived of his or her vote by reason of his or her absence from such election district; and the legislature shall have power to provide the manner in which and the time and place at which such absent electors

* So in original.

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may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

1913. A. No. 143 (Int. 30). To S.
A. J. 36, 53, 66, 75, 111, 113, 123.
S. J. 84.

2. Woman suffrage — time of residence of citizen by marriage

§ 1. Every [male] citizen of the age of twenty-one years, who shall have been a citizen for ninety days, *except that a citizen by marriage only, shall have been a resident of the United States for five years*, and an inhabitant of this State one year next preceding an election, and for the last four months a resident of the county, and for the last thirty days a resident of the election district in which [he] *such citizen* may offer his or her vote, shall be entitled to vote at such election in the election district of which he or she shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to the vote of the people, provided that in time of war no elector in the actual military service of the state, or of the United States, in the army or navy thereof, shall be [deprived of his vote] *prevented from voting* by reason of his or her absence from such election district; and the legislature shall have power to provide the manner in which and the time and place at which such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

1911. S. No. 420 (Int. 134). (Same as A. No. 655.)
S. J. 59, 176, 1147, 2061, 2142, 2172.
A. No. 655 (Int. 620). (Same as S. No. 420.)
A. J. 401, 2009.
1912. S. No. 32 (Int. 32).
S. J. 11, 196, 688, 694.

3. Woman suffrage — residence — citizenship

§ 1. Every [male] citizen of the age of twenty-one years, who shall have been a *resident* [citizen] for ninety days, and an inhabitant of this State one year next preceding an election, and for the last four months a resident of the county, and for the last thirty days a resident of the election district in which he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to the

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vote of the people, provided that in time of war no elector in the actual military service of the State, or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the legislature shall have power to provide the manner in which and the time and place at which such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

1895. A. No. 2600 (Int. 437). (Same as S. No. 235.) To Sec. of State.
A. J. 127, 200, 866, 929, 1150, 1261, 1262, 3000, 3069, 3149, 3151,
3163, 3258, 3869.
S. J. 713, 964, 1135, 1257, 1364, 1515.
S. No. 235 (Int. 189). (Same as A. No. 2600.)
S. J. 98, 124, 277.

4. Woman suffrage — eligibility of women to school offices

§ 1. Every [male] citizen of the age of twenty-one years, who shall have been a citizen for ninety days, and an inhabitant of this state one year next preceding an election, and for the last four months a resident of the county, and for the last thirty days a resident of the election district in which he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to the vote of the people, provided that in time of war no elector in the actual military service of the state, or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the legislature shall have power to provide the manner in which, and the time and place at which such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside. *The legislature may confer upon the female citizens of any city of the state who have the qualifications as to age and residence required herein for male electors the right to vote in the election districts of which they shall at the time be residents and not elsewhere, for, and make them eligible to, the office of school commissioner and school trustee and every other office heretofore or hereafter created, which shall confer upon the officer elected power to manage and control any public school or schools.*

1904. S. No. 166 (Int. 166).
S. J. 51, 1261.

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5. Woman suffrage—votes of electors in service of state during war

§ 1. Every [male] citizen at the age of twenty-one years or over, who shall have been a citizen for ninety days, and an inhabitant of this state one year next preceding an election, and for the last four months a resident of the county, and for the last thirty days a resident of the election district in which he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers, that now [are] or hereafter may be elective by the people, and upon all questions which may be submitted to the vote of the people, provided that in time of war no elector in the actual [military] service of the state, or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the legislature shall have power to provide the manner in which and the time and place at which such absent electors may vote, and for the return and canvass of their vote[s] in the election districts in which they respectively reside.

1912. A. No. 377 (Int. 367).

A. J. 110.

6. Residence qualification of voters in New York city

§ 1. Every male citizen of the age of twenty-one years, who shall have been a citizen for ninety days, and an inhabitant of this state one year next preceding an election, and for the last four months a resident of the county, *except that in the city of New York, he shall have been for the last four months a resident of the city of New York*, and for the last thirty days a resident of the election district in which he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to the vote of the people, provided that in time of war no elector in the actual military service of the state, or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the legislature shall have power to provide the manner in which and the time and place at which such absent

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electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

1911. S. No. 504 (Int. 470). (Same as A. No. 760.)

S. J. 218, 628, 813, 932.

A. No. 760 (Int. 698). (Same as S. No. 504.)

A. J. 446.

7. Voting at primaries as qualification for voting at election

§ 1. Every male citizen of the age of twenty-one years, who shall have been a citizen for ninety days, and an inhabitant of this state one year next preceding an election, and for the last four months a resident of the county, and for the last thirty days a resident of the election district in which he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people; and upon all questions which may be submitted to [the] a vote of the people, provided that in time of war no elector in the actual military service of the state, or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the legislature shall have power to provide the manner in which and the time and place at which such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside. *The legislature may provide, by appropriate laws, that any person who has enrolled as a member of a political party, so as to entitle him to vote at the primaries of such party, who fails to vote at the primary held next prior to a general election shall be disqualified to vote at such general election.*

1909. A. No. 668 (Int. 627).

A. J. 359.

8. Minority or proportional representation

§ 1. Every male citizen of the age of twenty-one years, who shall have been a citizen for ninety days, and an inhabitant of this state one year next preceding an election, and the last four months a resident of the county, and for the last thirty days a resident of the election district in which he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people; and upon all questions which may be submitted to the vote of the people[.]; *the legislature may, however, enact laws which, in elections by the*

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people, for offices in municipal or public corporations or any class of such corporations, shall provide for minority or proportional representation in such elections. [p] Provided that in time of war no elector in [the] actual military service of the state or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the legislature shall have power to provide the manner in which and the time and place at which such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

1897. S. No. 1012 (Int. 591). (Same as A. No. 1709.)

S. J. 345, 622, 639, 643.

A. No. 1709 (Int. 957). (Same as S. No. 1012.)

A. J. 787, 1688, 1741, 1761, 1794, 1832.

§ 3. For the purpose of voting, no person shall be deemed to have gained or lost a residence, by reason of his presence or absence, while employed in the service of the United States; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse, or other asylum, or institution wholly or partly supported at public expense, or by charity; nor while confined in any public prison.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Vote of inmates of certain state homes

§ 3. (Proposal to add the following:) *The legislature may, however, provide that an inmate of the New York state soldiers' and sailors' home and of the New York State Women's Relief Corps Home, who possesses the qualifications prescribed by section one of this article, except the qualification of residence, and who has been an inmate of such home for such a period of time as would have qualified him to vote in the election district in which such home is located if he had resided therein for such period, may vote for officers of the state or of the United States in the election district or districts in which such home is located, but an inmate so voting in such election district shall not vote in any other election district of the state.*

1907. A. No. 1858 (Int. 1271). To Sec. of State.

A. J. 920, 1350, 2147, 2250, 2276, 2327, 2400, 4008.

S. J. 1207, 1914, 2181.

§ 3. For the purpose of voting no person shall be deemed to have gained or lost a residence, by reason of his presence or

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absence, while employed in the service of the United States; nor while engaged in the navigation of [the] waters of this state, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse, or other [asylum, or] institution wholly or partly supported [at] by public expense or by charity; nor while confined in any public prison. *The legislature may, however, provide that an inmate of the New York state soldiers and sailors' home, who possesses the qualification of residence, and who has been an inmate of such home for such a period of time as would have qualified him to vote in the election district in which such home is located if he had resided therein for such period, may vote for officers of the state or of the United States in the election district or districts in which such home is located, but an inmate so voting in such election district shall not vote in any other election district of the state.*

1909. A. No. 500 (Int. 477).

A. J. 265, 307, 325, 366, 446, 929.

1911. A. No. 772 (Int. 705).

A. J. 467.

§ 4. Laws shall be made for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established, and for the registration of voters; which registration shall be completed at least ten days before each election. Such registration shall not be required for town and village elections except by express provision of law. In cities and villages having five thousand inhabitants or more, according to the last preceding State enumeration of inhabitants, voters shall be registered upon personal application only; but voters not residing in such cities or villages shall not be required to apply in person for registration at the first meeting of the officers having charge of the registry of voters.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Registration of absent electors

§ 4. Laws shall be made for ascertaining, by proper proofs, the citizens who, shall be entitled to the right of suffrage hereby established, and for the registration of voters; which registration shall be completed at least ten days before each election. Such registration shall not be required for town and village elections except by express provision of law. In cities and villages having five thousand inhabitants or more, according to the last preceding

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state enumeration of inhabitants, voters shall be registered upon personal application only[;], *except that where registration is permitted on two or more days the legislature may provide, that on the next to the last day of registration a duly qualified elector who is not in the election district on such day may be registered on the presentation to and filing with the inspectors proof in writing of his qualification as such elector, personally sworn to by him within thirty days next preceding such election, and certified in the same manner as deeds entitling them to be recorded; but voters not residing in such cities or villages shall not be required to apply in person for registration at the first meeting of the officers having charge of the registry of voters.*

1904. A. No. 642 (Int. 573).
A. J. 294.

§ 4. Laws shall be made for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established, and for the registration of voters; which registration shall be completed at least ten days before each election. Such registration shall not be required for town and village elections except by express provision of law. In cities and villages having five thousand inhabitants or more, according to the last preceding State enumeration of inhabitants, voters shall be registered upon personal application only; [but voters not residing in such cities or villages shall not be required to apply in person for registration at the first meeting of the officers having charge of the registry of voters.] *except that the legislature shall provide by law for the registration, without personal application, of electors unable to make such application on account of physical inability, or necessary absence from the county and city of their residence, provided the county court of such county or the supreme court of the judicial district embracing such county shall upon satisfactory proof make an order directing such registration.*

1904. A. No. 1536 (Int. 480). To S.
A. J. 236, 1184, 1341, 1408, 1562, 1606, 1653.
S. J. 895, 1309.

§ 4. Laws shall be made for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established, and for the registration of voters; which registration shall, *except as herein otherwise provided*, be completed at least ten days before each election. Such registration shall not be required for

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town and village elections except by express provision of law. In cities and villages having five thousand inhabitants or more, according to the last preceding state enumeration of inhabitants, voters shall be registered upon personal application only[;], *except that the legislature may, by laws imposing such restrictions and conditions as it may deem appropriate, permit absent employees of the United States, residing in such cities or villages, to register personally on the day of election without previously applying in person on the usual registration days*; but voters not residing in such cities or villages shall not be required to apply in person for registration at the first meeting of the officers having charge of the registry of voters.

1910. S. No. 563 (Int. 525). (Same as A. No. 1178.)

S. J. 298.

A. No. 1178 (Int. 739). (Same as S. No. 563.) To S.

A. J. 405, 624, 662, 683, 755, 785, 832, 847, 849.

S. J. 399.

§ 4. (Proposal to add the following:) *Provided that no elector shall lose his right to vote because temporarily absent on the last day of registration, from the city or village wherein he resides, and the legislature shall have power to provide the manner in which such absent electors may register.*

1913. A. No. 58 (Int. 58). To S.

A. J. 43, 1644, 1715, 1808, 1938, 2004, 2191.

S. J. 1203.

1914. A. No. 1406 (Int. 1272).

A. J. 794.

§ 4. Laws shall be made for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established, and for the registration of voters; which registration shall be completed at least ten days before each election. Such registration shall not be required for town and village elections except by express provision of law. In cities and villages having five thousand inhabitants or more, according to the last preceding state enumeration of inhabitants, voters shall be registered upon personal application only; *provided, however, that commercial travelers during their absence from home in the performance of their duties and students absent from home and attending college and electors who are, by reason of illness, incapable of appearing in person to be registered, may, by appropriate laws to be enacted by the legislature, be permitted to register by affidavit. In the case of commercial travelers and students, such affidavit shall be made*

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by two electors residing in the election district, and in the case of electors incapacitated by illness shall be made by a physician and one elector residing in the election district. [but voters] Voters not residing in such cities or villages shall not be required to apply in person for registration at the first meeting of the officers having charge of the registry of voters.

1913. S. No. 1318 (Int. 1143). (Same as A. No. 1722.)

S. J. 492.

A. No. 1722 (Int. 1549). (Same as S. No. 1318.)

A. J. 891.

2. Registration for all elections

§ 4. Laws shall be made for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established, and for the registration of voters; which registration shall be completed at least ten days before each election. [Such registration shall not be required for town and village elections except by express provision of law. In cities and villages having five thousand inhabitants or more, according to the last preceding state enumeration of inhabitants, voters shall be registered upon personal application only; but voters not residing in such cities or villages shall not be required to apply in person for registration at the first meeting of the officers having charge of the registry of voters.]

1910. S. No. 228 (Int. 226). (Same as A. No. 368.)

S. J. 83.

A. No. 368 (Int. 353). (Same as S. No. 228.)

A. J. 124.

1911. S. No. 1944 (Int. 1524).

S. J. 1644.

3. Personal registration for all elections

§ 4. Laws shall be made for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established, and for the registration of voters; which registration *shall be upon personal application only* and shall be completed at least ten days before each election. [Such registration shall not be required for town and village elections except by express provision of law. In cities and villages having five thousand inhabitants or more, according to the last preceding state enumeration of inhabitants, voters shall be registered upon personal application only; but voters not residing in such cities or villages shall not

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be required to apply in person for registration at the first meeting of the officers having charge of the registry of voters].

1911. A. No. 2605 (Int. 990).

A. J. 733, 3940, 4102, 4174.

4. Personal registration of all electors

§ 4. Laws shall be made for ascertaining by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established, and for the registration of voters; which registration shall be completed at least ten days before each election. Such registration shall not be required for town and village elections except by express provision of law. [In cities and villages having five thousand inhabitants or more, according to the last preceding state enumeration of inhabitants, voters] Voters shall be registered upon personal application only[; but voters not residing in such cities or villages shall not be required to apply in person for registration at the first meeting of the officers having charge of the registry of voters].

1911. S. No. 980 (Int. 868).

S. J. 529.

5. Provisional registration

§ 4. Laws shall be made for ascertaining, by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established, and for the registration of voters; which registration shall be completed at least ten days before each election[.], *except that upon the filing of such sworn proofs as shall be required by law, electors may be registered provisionally; which provisional registration shall not be effective unless such electors shall appear in person previous to election day before the officers having charge of the registry of voters.* Such registration shall not be required for town and village [elections] electors except by express provisions of law. In cities and villages having five thousand inhabitants or more, according to the last preceding state enumeration of inhabitants, voters shall be registered upon personal application only; but voters not residing in such cities or villages shall not be required to apply in person for registration at the first meeting of the officers having charge of the registry of voters.

1904. A. No. 1186 (Int. 954).

A. J. 836, 1970, 2069.

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6. Conduct of elections — corrupt practices

§ 7. (Proposal to add the following new section:) *The legislature shall enact laws declaring the uses which may be lawfully made of money or other valuable things, and the amounts in which they may be lawfully used, by or on behalf of any person, to promote his nomination for or election to public office, or on account of or in respect of the conduct or management of any public election within this state. The use or promise of money or any other valuable thing to promote the nomination or election of any person to public office, or on account of or in respect of the conduct or management of any public election within this state, otherwise than is expressly authorized by such laws is prohibited; and any person by whom, or by or with whose procurement, connivance or consent, or for whose benefit, the same is so used or promised, shall, if elected, forfeit his office, and shall be subject to such other penalties as the legislature shall from time to time determine. The legislature shall enact laws prescribing the courts and the procedure by which such questions may be speedily tried upon the suit of any elector.*

1905. A. No. 90 (Int. 90).

A. J. 49.

1906. A. No. 18 (Int. 18).

A. J. 24.

7. Election laws and officers

§ 7. (Proposal to add the following new section:) *All laws relating to registration and qualification of voters, primary elections and officers charged with the duty of enforcing the laws relating to elections, registration and primaries, shall be uniform and of universal application throughout the state. All officers hereafter created to enforce any of the election, primary or registration laws shall consist of an even number, and shall secure equal representation of the two political parties, which at the last preceding state election, at which a governor was elected, cast the highest and next highest number of votes. All such officers shall be appointed or elected for the entire state, and in such manner, and upon nomination of such representatives of said parties respectively, as the legislature may direct.*

1911. S. No. 1945 (Int. 1525).

S. J. 1644.

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o. Nothing in the constitution shall be taken or construed to in any manner limit the powers of legislation vested by this article in the qualified voters, nor to require the presentation to or approval by the governor or any other officer, of any measure whatsoever enacted by direct vote of the voters of this state or of any municipal division thereof, and all provisions in the constitution in conflict herewith are hereby rescinded and annulled.

1899. A. No. 1026 (Int. 898).

A. J. 551.

1900. A. No. 125 (Int. 125).

A. J. 116.

§ 1. (Proposal to add the following:) *and in addition thereto shall be vested in the electors qualified to vote for governor.*

a. The right to propose amendments to this constitution and measures for the governance of the whole state, shall (in addition to being exercised by members of the legislature) be vested in any twenty per centum of the voters of the state qualified to vote for governor; and the right to propose measures for the governance of any municipal division of the state (such as county, city, town, township, borough, village, and so forth), shall in like manner (in addition to being exercised by members of the legislative body or bodies thereof), be vested in any twenty per centum of the voters of any such municipal division qualified to vote for the chief executive or executives of such division.

b. The right to reject or to approve any measure for the governance of the whole state, which shall have been passed by the legislature, or proposed and submitted by either house thereof or by the required number of voters under the provisions of this article, shall be vested in the voters qualified to vote for governor. The right to reject or to approve any measure for the governance of any municipal division passed by the legislature, or by the legislative body or bodies of any such division, or proposed by the voters of such division, shall be vested in the voters of the municipal division affected thereby qualified to vote for chief executive or executives of such division. The exercise of the right of rejection or approval hereunder shall take place whenever any twenty per centum of the voters qualified to vote thereon shall, according to the provisions of this article, demand a submission to direct vote of the voters of any such measure or amendment to this constitution.

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c. Whenever any amendment to this constitution, or any measure whatsoever, shall be submitted to the voters of the state, or of any municipal division thereof, for rejection or approval by them, the same shall become law if the official canvass of the ballots for and against the same shall show that more persons have voted for than have voted against the enactment thereof.

d. The legal designation of the exercise of the right of proposal under the provisions of this article shall be "the initiative;" and the legal designation of the exercise of the right of rejection or approval thereunder shall be "the referendum."

e. All demands for the referendum shall be written or printed, and shall, when demanding submission of measures already enacted by the legislature or by the legislative body or bodies of any municipal division, refer to the same by title, chapter, and number, or such other official designation as such measure may bear, and shall in all other cases contain the full text of such measure or proposed amendment to this constitution. Such demands made by voters, shall be signed by at least twenty per centum of the voters qualified to vote thereon, and all demands for the referendum whatsoever shall, in the case of all matters to be submitted to the voters of the whole state, be filed with the secretary of state, and, in the case of matters to be submitted to the voters of any municipal division thereof, with the officer of such division acting as its clerk or recording officer. The percentage of voters whose signatures are required to make any such demand legal and mandatory shall, in the case of those filed with the secretary of state, be computed upon the votes cast for governor at the last election preceding the filing thereof, and, in the case of demands filed with the clerk of any municipal division upon the votes cast for the chief executive thereof at the last election therefor.

f. The legislature may, by a three-fourths vote of all the members elected to each branch thereof, declare certain bills to be urgent, and such bill so declared to be urgent — unless otherwise explicitly stated therein — when approved by the governor, shall take immediate effect; but the legislature shall have no power to declare bills to be urgent except those relating solely to the immediate preservation of the public safety, of the public peace, or of the public health.

g. Bills passed by the legislature other than those declared to be urgent, and which shall become law with or without the ap-

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referendum upon any such bill shall, prior to such hour, be filed with the secretary of state, the same shall not take effect until approved by the voters.

h. Either branch of the legislature may, of its own motion, by resolution passed by a vote therefor of a majority of all the members elected thereto, provide for the submission to the voters of the state of proposed amendments to this constitution, or of any measure introduced in, pending before, or passed by it, or of any question upon which it may desire the instructions of such voters; and in like manner any legislative body, board, or council of any municipal division of the state may, of its own motion, by resolution, provide for the submission to the voters of such municipal division, or to the voters of any subdivision thereof, of any measure introduced in, pending before, or passed by it, or of any question upon which such body may desire the instructions of such voters, and upon the filing of any such resolution of either branch of the legislature with the secretary of state, or of any such resolution of any legislative body, board, or council of any municipal division, with the clerk of such division, the same shall have the same force and effect as a demand for the referendum filed by voters.

i. All proposed amendments to this constitution, and all measures whatsoever, demand for the submission of which to the voters shall have been in due form filed with the proper officer, shall be by him published in full, according to law, and submitted to the voters qualified to vote thereon at the first election held after the expiration of thirty days from the filing with him of such demand, in accordance with the laws relating to elections and to such submissions.

j. No measure shall be enacted, except by a direct vote of the voters, which shall in any manner alter, modify, repeal, or render nugatory, any measure whatsoever which has been enacted by a direct vote of the voters, nor which shall embody substantially the same principle as any measure which has theretofore been submitted to a vote of the voters and has by them been rejected.

k. Except in the case of amendments to this constitution, the enacting clause of all measures submitted to the voters of the whole state shall be 'The people of the state of New York, by direct vote, do enact as follows;' and it shall be the duty of the secretary of state to see that such clause is correctly worded in all measures submitted to him, and correction of such enacting clause may be made by him after as well as before submission to the

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voters, and to all such amendments to this constitution so adopted, and to all measures whatsoever so enacted by direct vote of the voters of the whole state, he shall add, immediately below the title thereof, the date of the election at which the same was adopted or enacted, the number of votes cast for and against the same, and the date of the filing in his office of the certificate of the board of state canvassers showing the result of the vote thereon, and, unless otherwise explicitly stated in the amendment or measure, the time of the going into effect of all amendments to this constitution so adopted, and of all measures so enacted by direct vote of the voters of the state, shall be twelve o'clock noon of the date following the filing in the office of the secretary of state of such certificate.

l. A demand for the referendum may require the submission of more than one proposed article or amendment to any existing article or articles of this constitution, or of more than one measure, but the same must in all cases be submitted in such manner that the voters can vote separately upon each of such proposed articles, or amendments to existing articles hereof, or upon each separate measure, and in all cases where an existing section of any article of this constitution, or an existing section of any measure whatsoever is sought to be amended, such section as sought to be amended shall be submitted in full.

m. The secretary of state, or other proper officer, qualified to receive the same, with whom any demand for the referendum shall be in due form filed, who shall neglect or refuse to comply with such demand, and who shall fail to submit properly the matter therein named to the voters qualified to vote thereon at the first election at which the same may be legally submitted, shall be deemed to be guilty of misfeasance in office and of felony, and shall be liable to impeachment, and to be indicted and punished as may be by law directed.

n. It shall be the duty of the legislature, at the first session thereof held after the adoption of this article, to enact such law or laws as may be necessary to carry the provisions thereof into effect, but no demand for the referendum upon any such law so enacted for such purpose by the legislature, nor upon any measure for the same purpose otherwise duly proposed under the provisions of this article, shall be invalid by reason of noncompliance with any provision of any law for such purpose which may at any time be enacted by the legislature.

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for the same purpose otherwise duly proposed under the provisions of this article, shall be invalid by reason of noncompliance with any provision of any law for such purpose which may at any time be enacted by the legislature.

o. Nothing in the constitution shall be taken or construed to in any manner limit the powers of legislation vested by this article in the qualified voters, nor to require the presentation to or approval by the governor or any other officer, of any measure whatsoever enacted by direct vote of the voters of this state or of any municipal division thereof, and all provisions in the constitution in conflict herewith are hereby rescinded and annulled.

1901. A. No. 340 (Int. 311).
A. J. 154.

Subdivision A. The legislative power of this state is inherent, and shall be vested in the electors of this state, and also shall be vested, subject always to acceptance or rejection by the electors of this state, in [the] a senate and assembly.

B. Any fifty thousand electors of the state of New York shall have the power to require that any act or part of any act passed by the senate and assembly, and approved by the governor, shall be referred to the electors of the state, or, if it be a special act, to the electors of the territorial subdivisions affected thereby, at the next general election, and shall only take effect if approved by a majority of those voting thereon. This power to demand a referendum shall be exercised by the electors by filing their signed petitions with the secretary of state not more than ninety days after the act in question shall have been approved by the governor, earlier than which date no act or part of an act can become operative, except as in this section hereafter provided. Any act whose reference is properly petitioned for shall not take effect till thirty days after it shall have been approved by a majority of those voting thereon. But acts for the immediate preservation of the public peace, health and safety, may go into immediate operation if passed by a three-fourths vote of the members elected respectively to each house, and approved by the governor, provided, however, that such act shall be considered as repealed from the date of the voting when the referendum upon it is demanded by petition, and the act is rejected at the polls.

C. Any fifty thousand electors of the state of New York shall have the power to propose any act, and any one hundred thousand electors shall have power to propose any amendment to the con-

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stitution of this state, and require that the act or amendment be referred to the electors of the state at the first general election occurring at least eight months after such demand shall have been filed with the secretary of state, to become a law or part of the constitution thirty days after the date of said election, if approved by a majority of those voting thereon. Provided that passage by the legislature, and signature by the governor, of an act identical with the one petitioned for, shall render such submission to vote unnecessary unless separately petitioned for in accordance with subdivision B of this section.

D. When at any time a petition for an act or an amendment shall have been filed as above, the legislature may, by concurrent resolution, propose as a substitute another act or amendment covering the same subject matter. In that case both the proposed acts or amendments shall be printed on one ballot, and two questions, as follows, shall be submitted to the electors.

The first question shall be whether either proposed change in the law is desired. The second shall be a question of choice between the two measures. In case a majority of the votes cast upon the first question are found to be in the negative, then neither of the proposed measures shall become law. In case a majority upon the first question shall be found to be in the affirmative, then the proposed act or amendment receiving the larger number of votes upon the second question shall become a law thirty days after the date of said election.

E. Until laws shall be enacted specially providing for the enforcement of this amendment, the secretary of state and all other officers, in referring measures, providing ballots and all other necessary matters, shall be guided by the general election laws and the provisions of acts heretofore passed referring laws and constitutional amendments to the electors for acceptance or rejection, supplemented by such reasonable action as may be necessary to render this constitutional provision self executing.

F. A sworn statement to that effect by any one of the petitioners shall be taken as prima facie proofs that all signatures upon the same sheet with his own are genuine signatures of electors.

G. Any provision in section nine of article four, or in any other part of this constitution, which conflicts with the provisions of this section as now amended, is to the extent of such conflict hereby repealed and superseded.

1903. A. No. 437 (Int. 412).
A. J. 163.

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§ 1. (Proposal to add the following:) *but the people reserve to themselves power to propose laws and amendments to the constitution and to enact or reject the same at the polls, independent of the legislature, and also reserve power at their own option to approve or reject at the polls any act of the legislature. The first power reserved by the people is the initiative. Ten per centum or more of the legal voters may propose any measure by petition; every such petition shall include the full text of the measure so proposed. Initiative petitions shall be filed with the secretary of state not less than three months before the election at which they are to be voted upon. The second power is the referendum, and it may be ordered, except as to laws necessary for the immediate preservation of the public peace, health or safety, either by petition signed by ten per centum of the legal voters, or by the legislature, as other bills are enacted. Referendum petitions shall be filed with the secretary of state not more than ninety days after the final adjournment of the session of the legislature which passed the bill on which the referendum is demanded. The veto power of the governor shall not extend to measures referred to the people. All elections on measures referred to the people of the state shall be had at the regular general elections, except when the legislature shall order a special election. Any measure referred to the people shall take effect and become the law when it is approved by a majority of the votes cast thereon, and not otherwise. The style of all bills shall be: "Be it enacted by the people of the state of New York." This section shall not be construed to deprive any member of the legislature of the right to introduce any measure. The whole number of votes cast for governor at the regular election last preceding the filing of any petition for the initiative or for the referendum shall be the basis on which the number of legal voters necessary to sign such petition shall be counted. Petitions and orders for the initiative and for the referendum shall be filed with the secretary of state, and in submitting the same to the people he, and all other officers, shall be guided by the general laws and this amendment, until legislation shall be especially provided therefor. The referendum may be demanded by the people against one or more items, sections or parts of any act of the legislature in the same manner in which such power may be exercised against a complete act. The filing of a referendum petition against one or more items, sections or*

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parts of an act shall not delay the remainder of that act from becoming operative. The initiative and referendum powers reserved to the people by this constitution are hereby further reserved to the legal voters of every municipality and district, as to all local, special and municipal legislation, of every character, in or for their respective municipalities and districts. The manner of exercising said powers shall be prescribed by general laws, except that cities and towns may provide for the manner of exercising the initiative and referendum powers as to their municipal legislation. Ten per centum or more of the legal voters may order the referendum and fifteen per centum or more may propose any measure, by the initiative, in any city or town.

1911. A. No. 1326 (Int. 1139).

A. J. 958.

(For other proposed amendments providing for the initiative and the referendum, see pp. 262, 271.)

2. Initiative, referendum and recall

(For proposed amendment to this and other sections providing for the initiative, the referendum, and the recall of election officers, see p. 293.)

3. Single legislative body

(For proposed amendment to this and other sections providing for a single legislative body, see p. 316.)

§ 2. The Senate shall consist of fifty members, except as herein-after provided. The senators elected in the year one thousand eight hundred and ninety-five shall hold their offices for three years, and their successors shall be chosen for two years. The Assembly shall consist of one hundred and fifty members who shall be chosen for one year.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Term of assemblymen

§ 2. The senate shall consist of fifty members, except as herein-after provided[.], who shall be chosen for two years. [The senators elected in the year [one thousand eight] eighteen hundred and ninety-five shall hold their offices for three years and their successors shall be chosen for two years.] The assembly shall consist of one hundred and fifty members, who shall be chosen for [one year.] two years.

1898. A. No. 893 (Int. 777).

A. J. 491.

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§ 2. The senate shall consist of fifty members, except as hereinafter provided. [The senators elected in the year one thousand eight hundred and ninety-five shall hold their offices for three years, and their successors shall be chosen for two years.] The assembly shall consist of one hundred and fifty members. [who shall be chosen for one year.] *Senators and members of assembly shall be chosen for two years.*

1900. A. No. 677 (Int. 613).

A. J. 314.

1901. A. No. 221 (Int. 221). To S.

A. J. 104, 584, 650, 662, 747, 816, 865.

S. J. 433.

§ 2. (Proposal to add the following:) *to and including the members thereof elected in the year one thousand nine hundred and one. The members of the assembly elected in the year one thousand nine hundred and two and their successors shall be chosen for two years.*

1900. A. No. 737 (Int. 648).

A. J. 380.

§ 2. The senate shall consist of fifty members, except as hereinafter provided. The senators elected in the year one thousand eight hundred and ninety-five shall hold their offices for three years, and their successors shall be chosen for two years. The assembly shall consist of one hundred and fifty members, who shall be chosen for [one year.] *two years.*

1904. A. No. 1364 (Int. 375). To S.

A. J. 171, 868, 942, 1040, 1213, 1259, 1305, 1420, 1508.

S. J. 832.

1907. A. No. 86 (Int. 86).

A. J. 36.

§ 2. The senate shall consist of fifty members, except as hereinafter provided[.], *and they* [The senators elected in the year one thousand eight hundred and ninety-five shall hold their offices for three years, and their successors] shall be chosen for two years. The assembly shall consist of one hundred and fifty members, who shall *also* be chosen for *two years*. [one year.]

1906. A. No. 217 (Int. 217). (Same as A. No. 1407.)

A. J. 80.

* A. No. 1407 (Int. 1133). (Same as A. No. 217.)

A. J. 943.

* For remainder of this resolution, see proposed amendment to Art. III, § 6, pp. 65, 66.

Article III, § 2

§ 2. The senate shall consist of fifty members, except as herein-after provided. The senators elected in the year one thousand eight hundred and ninety-five shall hold their offices for three years, and their successors shall be chosen for two years. The assembly shall consist of one hundred and fifty members, who shall be chosen for **[one year.]** *two years, beginning with the members to be elected at the general election of the year nineteen hundred and fourteen.*

1912. S. No. 226 (Int. 223). (Same as A. No. 145.)

S. J. 55.

A. No. 145 (Int. 145). (Same as S. No. 226.)

A. J. 57.

2. Terms of senators and assemblymen

§ 2. The senate shall consist of fifty members, except as herein-after provided. The senators elected in the year **[one thousand eight]** *nineteen* hundred and **[ninety-five]** shall hold their offices for three years, **] ten** and their successors shall be chosen for **[two]** *four* years. The assembly shall consist of one hundred and fifty members **[who]**, *and the members of assembly elected in the year nineteen hundred and ten* and their successors shall be chosen for **[one]** *two* years.

1908. A. No. 1272 (Int. 1046).

A. J. 663.

§ 2. The senate shall consist of fifty members, except as herein-after provided. The senators elected in the year **[one thousand eight hundred and ninety-five]** *nineteen hundred and twelve* **[shall]** hold their offices for three years, **] and** their successors shall be chosen for **[two]** *four* years. The assembly shall consist of one hundred and fifty members, *and the members of assembly elected in the year nineteen hundred and twelve and their successors* **[who]** shall be chosen for **[one]** *two* years.

1910. A. No. 2502 (Int. 180). To S.

A. J. 66, 2424, 2433, 3262, 3272, 3408, 3612.

S. J. 1867, 1905.

3. Additional assemblymen for New York county

§ 2. The senate shall consist of fifty members, except as herein-after provided. The senators elected in the year **[one thousand eight]** *eighteen* hundred and ninety-five shall hold their office for three years, and their successors shall be chosen for two years.

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The assembly shall consist of [one hundred and fifty] *one hundred and fifty-one* members, who shall be chosen for one year.

(For remainder of this resolution, see proposed amendment to Art. III, § 5, p. 64.)

1899. A. No. 310 (Int. 302).

A. J. 132.

4. **Single legislative body**

(For proposed amendment to this and other sections providing for a single legislative body, see p. 316.)

5. **Biennial sessions of legislature — terms and apportionment of legislators**

(For proposed amendment to this and other sections providing for biennial sessions of the legislature, changing the terms and regulating the apportionment of the legislators, see p. 310.)

6. **Biennial sessions of legislature — United States deposit fund**

(For proposed amendment to this and other sections providing for biennial sessions of the legislature and regulating the use of the United States deposit fund for educational purposes, see p. 314.)

7. **Biennial sessions of legislature — salaries and terms of legislators — appropriations — apportionment**

(For proposed amendment to this and other sections providing for biennial sessions of the legislature, changing the salaries and terms of the legislators, and regulating the making of appropriations and apportionment of legislators, see p. 311.)

8. **Terms and salaries of members of legislature, governor and lieutenant-governor — short ballot**

(For proposed amendment to this and other sections changing the terms and salaries of the members of the legislature, governor and lieutenant-governor, and providing for the short ballot, see p. 319.)

§ 3. The State shall be divided into fifty districts to be called senate districts, each of which shall choose one senator. The districts shall be numbered from one to fifty, inclusive.

District number one (1) shall consist of the counties of Suffolk and Richmond.

District number two (2) shall consist of the county of Queens.

District number three (3) shall consist of that part of the county of Kings comprising the first, second, third, fourth, fifth and sixth wards of the city of Brooklyn.

District number four (4) shall consist of that part of the county of Kings comprising the seventh, thirteenth, nineteenth and twenty-first wards of the city of Brooklyn.

District number five (5) shall consist of that part of the county of Kings comprising the eighth, tenth, twelfth and thirtieth wards of the city of Brooklyn, and the ward of the city of Brooklyn which was formerly the town of Gravesend.

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District number six (6) shall consist of that part of the county of Kings comprising the ninth, eleventh, twentieth and twenty-second wards of the city of Brooklyn.

District number seven (7) shall consist of that part of the county of Kings comprising the fourteenth, fifteenth, sixteenth and seventeenth wards of the city of Brooklyn.

District number eight (8) shall consist of that part of the county of Kings comprising the twenty-third, twenty-fourth, twenty-fifth and twenty-ninth wards of the city of Brooklyn, and the town of Flatlands.

District number nine (9) shall consist of that part of the county of Kings comprising the eighteenth, twenty-sixth, twenty-seventh and twenty-eighth wards of the city of Brooklyn.

District number ten (10) shall consist of that part of the county of New York within and bounded by a line beginning at Canal street and the Hudson river, and running thence along Canal street, Hudson street, Dominick street, Varick street, Broome street, Sullivan street, Spring street, Broadway, Canal street, the Bowery, Division street, Grand street and Jackson street, to the East river and thence around the southern end of Manhattan island, to the place of beginning, and also Governor's, Bedloe's and Ellis islands.

District number eleven (11) shall consist of that part of the county of New York lying north of district number ten, and within and bounded by a line beginning at the junction of Broadway and Canal street, and running thence along Broadway, Fourth street, the Bowery and Third avenue, St. Mark's place, Avenue A, Seventh street, Avenue B, Clinton street, Rivington street, Norfolk street, Division street, Bowery and Canal street, to the place of beginning.

District number twelve (12) shall consist of that part of the county of New York lying north of districts numbers ten and eleven and within and bounded by a line beginning at Jackson street and the East river, and running thence through Jackson street, Grand street, Division street, Norfolk street, Rivington street, Clinton street, Avenue B, Seventh street, Avenue A, St. Mark's place, Third avenue, East Fourteenth street to the East river, and along the East river, to the place of beginning.

District number thirteen (13) shall consist of that part of the county of New York lying north of district number ten, and

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within and bounded by a line beginning at the Hudson river at the foot of Canal street, and running thence along Canal street, Hudson street, Dominick street, Varick street, Broome street, Sullivan street, Spring street, Broadway, Fourth street, the Bowery and Third avenue, Fourteenth street, Sixth avenue, West Fifteenth street, Seventh avenue, West Nineteenth street, Eighth avenue, West Twentieth street, and the Hudson river, to the place of beginning.

District number fourteen (14) shall consist of that part of the county of New York lying north of districts numbers twelve and thirteen, and within and bounded by a line beginning at East Fourteenth street and the East river, and running thence along East Fourteenth street, Irving place, East Nineteenth street, Third avenue, East Twenty-third street, Lexington avenue, East Fifty-third street, Third avenue, East Fifty-second street, and the East river, to the place of beginning.

District number fifteen (15) shall consist of that part of the county of New York lying north of district number thirteen, and within and bounded by a line beginning at the junction of West Fourteenth street and Sixth avenue, and running thence along Sixth avenue, West Fifteenth street, Seventh avenue, West Fortieth street, Eighth avenue, and the transverse road across Central park at Ninety-seventh street, Fifth avenue, East Ninety-sixth street, Lexington avenue, East Twenty-third street, Third avenue, East Nineteenth street, Irving place and Fourteenth street, to the place of beginning.

District number sixteen (16) shall consist of that part of the county of New York lying north of district number thirteen, and within and bounded by a line beginning at Seventh avenue and West Nineteenth street, and running thence along West Nineteenth street, Eighth avenue, West Twentieth street, the Hudson river, West Forty-sixth street, Tenth avenue, West Forty-third street, Eighth avenue, West Fortieth street and Seventh avenue, to the place of beginning.

District number seventeen (17) shall consist of that part of the county of New York lying north of district number sixteen, and within and bounded by a line beginning at the junction of Eighth avenue and West Forty-third street, and running thence along West Forty-third street, Tenth avenue, West Forty-sixth street,

the Hudson river, West Eighty-ninth street, Tenth or Amsterdam avenue, West Eighty-sixth street, Ninth or Columbus avenue, West Eighty-first street and Eighth avenue, to the place of beginning.

District number eighteen (18) shall consist of that part of the county of New York lying north of district number fourteen, and within and bounded by a line beginning at the junction of East Fifty-second street and the East river, and running thence along East Fifty-second street, Third avenue, East Fifty third street, Lexington avenue, East Eighty fourth street, Second avenue, East Eighty third street and the East river, to the place of beginning; and also Blackwell's island.

District number nineteen (19) shall consist of that part of the county of New York lying north of district number seventeen, and within and bounded by a line beginning at West Eighty-ninth street and the Hudson river, and running thence along the Hudson river and Spuyten Duyvil creek around the northern end of Manhattan island; thence southerly along the Harlem river to the north end of Fifth avenue; thence along Fifth avenue, East One Hundred and Twenty-ninth street, Fourth or Park avenue, East One Hundred and Tenth street, Fifth avenue, the transverse road across Central park at Ninety-seventh street, Eighth avenue, West Eighty-first street, Ninth or Columbus avenue, West Eighty sixth street, Tenth or Amsterdam avenue and West Eighty-ninth street, to the place of beginning.

District number twenty (20) shall consist of that part of the county of New York lying north of districts numbers eighteen and fifteen, and within and bounded by a line beginning at East Eighty-third street and the East river, running thence through East Eighty-third street, Second avenue, East Eighty-fourth street, Lexington avenue, East Ninety-sixth street, Fifth avenue, East One Hundred and Tenth street, Fourth or Park avenue, East One Hundred and Nineteenth street to the Harlem river, and along the Harlem and East rivers, to the place of *begining; and also Randall's island and Ward's island.

All of the above districts in the county of New York bounded upon or along the boundary waters of the county, shall be deemed to extend to the county line.

* So in original.

District number twenty one (21) shall consist of that part of the county of New York lying north of districts numbers nineteen and twenty, within and bounded by a line beginning at East One Hundred and Nineteenth street and the Harlem river, and running thence along East One Hundred and Nineteenth street, Fourth or Park avenue, One Hundred and Twenty-ninth street, Fifth avenue and the Harlem river, to the place of beginning; and all that part of the county of New York not hereinbefore described.

District number twenty-two (22) shall consist of the county of Westchester.

District number twenty-three (23) shall consist of the counties of Orange and Rockland.

District number twenty-four (24) shall consist of the counties of Dutchess, Columbia and Putnam.

District number twenty-five (25) shall consist of the counties of Ulster and Greene.

District number twenty-six (26) shall consist of the counties of Delaware, Chenango and Sullivan.

District number twenty-seven (27) shall consist of the counties of Montgomery, Fulton, Hamilton and Schoharie.

District number twenty-eight (28) shall consist of the counties of Saratoga, Schenectady and Washington.

District number twenty-nine (29) shall consist of the county of Albany.

District number thirty (30) shall consist of the county of Rensselaer.

District number thirty-one (31) shall consist of the counties of Clinton, Essex and Warren.

District number thirty-two (32) shall consist of the counties of St. Lawrence and Franklin.

District number thirty-three (33) shall consist of the counties of Otsego and Herkimer.

District number thirty-four (34) shall consist of the county of Oneida.

District number thirty-five (35) shall consist of the counties of Jefferson and Lewis.

District number thirty-six (36) shall consist of the county of Onondaga.

District number thirty-seven (37) shall consist of the counties of Oswego and Madison.

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District number thirty-eight (38) shall consist of the counties of Broome, Cortland and Tioga.

District number thirty-nine (39) shall consist of the counties of Cayuga and Seneca.

District number forty (40) shall consist of the counties of Chemung, Tompkins and Schuyler.

District number forty-one (41) shall consist of the counties of Steuben and Yates.

District number forty-two (42) shall consist of the counties of Ontario and Wayne.

District number forty three (43) shall consist of that part of the county of Monroe comprising the towns of Brighton, Henrietta, Irondequoit, Mendon, Penfield, Perinton, Pittsford, Rush and Webster, and the fourth, sixth, seventh, eighth, twelfth, thirteenth, fourteenth, sixteenth, seventeenth and eighteenth wards of the city of Rochester, as at present constituted.

District number forty-four (44) shall consist of that part of the county of Monroe comprising the towns of Chili, Clarkson, Gates, Greece, Hamlin, Ogden, Parma, Riga, Sweden and Wheatland, and the first, second, third, fifth, ninth, tenth, eleventh, fifteenth, nineteenth and twentieth wards of the city of Rochester, as at present constituted.

District number forty-five (45) shall consist of the counties of Niagara, Genesee and Orleans.

District number forty-six (46) shall consist of the counties of Allegany, Livingston and Wyoming.

District number forty-seven (47) shall consist of that part of the county of Erie comprising the first, second, third, sixth, fifteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third and twenty-fourth wards of the city of Buffalo, as at present constituted.

District number forty-eight (48) shall consist of that part of the county of Erie comprising the fourth, fifth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth and sixteenth wards of the city of Buffalo, as at present constituted.

District number forty-nine (49) shall consist of that part of the county of Erie comprising the seventeenth, eighteenth and twenty-fifth wards of the city of Buffalo, as at present constituted; and all the remainder of the said county of Erie not hereinbefore described.

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District number fifty (50) shall consist of the counties of Chautauqua and Cattaraugus.

AMENDMENT PROPOSED BUT NOT SUBMITTED TO THE PEOPLE**1. Single legislative body**

(For proposed amendment to this and other sections providing for a single legislative body, see p. 316.)

§ 4. An enumeration of the inhabitants of the State shall be taken under the direction of the Secretary of State, during the months of May and June, in the year one thousand nine hundred and five, and in the same months every tenth year thereafter; and the said districts shall be so altered by the Legislature at the first regular session after the return of every enumeration, that each senate district shall contain as nearly as may be an equal number of inhabitants, excluding aliens, and be in as compact form as practicable, and shall remain unaltered until the return of another enumeration, and shall at all times, consist of contiguous territory, and no county shall be divided in the formation of a senate district except to make two or more senate districts wholly in such county. No town, and no block in a city inclosed by streets or public ways, shall be divided in the formation of senate districts; nor shall any district contain a greater excess in population over an adjoining district in the same county, than the population of a town or block therein, adjoining such district. Counties, towns or blocks which, from their location, may be included in either of two districts, shall be so placed as to make said districts most nearly equal in number of inhabitants, excluding aliens.

No county shall have four or more senators unless it shall have a full ratio for each senator. No county shall have more than one-third of all the senators; and no two counties or the territory thereof as now organized, which are adjoining counties, or which are separated only by public waters, shall have more than one-half of all the senators.

The ratio for apportioning senators shall always be obtained by dividing the number of inhabitants, excluding aliens, by fifty, and the Senate shall always be composed of fifty members, except that if any county having three or more senators at the time of any apportionment shall be entitled on such ratio to an additional

senator or senators, such additional senator or senators shall be given to such county in addition to the fifty senators, and the whole number of senators shall be increased to that extent.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Removal of restrictions on number of senators in counties

§ 4. An enumeration of the inhabitants of the state shall be taken under the direction of the secretary of state, during the months of May and June, in the year nineteen hundred and five, and in the same months every tenth year thereafter; and the said districts shall be so altered by the legislature at the first regular session after the return of every enumeration, that each senate district shall contain as nearly as may be an equal number of inhabitants, excluding aliens, and be in as compact form as practicable, and shall remain unaltered until the return of another enumeration, and shall at all times, consist of contiguous territory, and no county shall be divided in the formation of a senate district except to make two or more senate districts wholly in such county. No town, and no block in a city inclosed by streets or public ways, shall be divided in the formation of senate districts; nor shall any district contain a greater excess in population over an adjoining district in the same county, than the population of a town or block therein adjoining such district. Counties, towns or blocks which, from their location, may be included in either of two districts, shall be so placed as to make said districts most nearly equal in number of inhabitants, excluding aliens.

[No county shall have four or more senators unless it shall have a full ratio for each senator. No county shall have more than one-third of all the senators; and no two counties or the territory thereof as now organized, which are adjoining counties, or which are separated only by public waters, shall have more than one-half of all the senators.] The ratio for apportioning senators shall always be obtained by dividing the number of inhabitants, excluding aliens, by fifty, and the senate shall always be composed of fifty members, except that if any county having three or more senators at the time of any apportionment shall be entitled on such ratio to an additional senator or senators, such additional senator or senators shall be given to such county in addition to the fifty

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senators, and the whole number of senators shall be increased to that extent.

1906. S. No. 824 (Int. 681). (Same as A. No. 1560.)

S. J. 495.

A. No. 1560 (Int. 1223). (Same as S. No. 824.)

A. J. 1091.

2. Formation of senate district by joining Richmond county to portion of New York county

§ 4. An enumeration of the inhabitants of this state shall be taken under the direction of the secretary of state, during the months of May and June, in the year one thousand nine hundred and five, and in the same months every tenth year thereafter; and the said districts shall be so altered by the legislature at the first regular session after the return of every enumeration, that each senate district shall contain as nearly as may be an equal number of inhabitants, excluding aliens, and be in as compact form as practicable, and shall remain unaltered until the return of another enumeration, and shall, at all times, consist of contiguous territory, and no county shall be divided in the formation of a senate district except to make two or more senate districts wholly in such county[.], *and except that a senate district may, in the discretion of the legislature, be formed by joining the county of Richmond to a portion of the county of New York.* No town, and no block in a city inclosed by streets or public ways, shall be divided in the formation of senate districts; nor shall any district contain a greater excess in population over an adjoining district in the same county, than the population of a town or block therein, adjoining such district. Counties, towns or blocks of which, from their location, may be included in either of two districts, shall be so placed as to make said districts most nearly equal in number of inhabitants, excluding aliens. No county shall have four or more senators unless it shall have a full ratio for each senator. No county shall have more than one-third of all the senators; and no two counties or the territory thereof as now organized, which are adjoining counties, or which are separated only by public waters, shall have more than one-half of all the senators. The ratio for apportioning the senators shall always be obtained by dividing the number of inhabitants, excluding aliens, by fifty, and the senate shall always be composed of fifty members, except that if any county having three or more senators at the time of any apportionment shall be entitled on such ratio

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to an additional senator or senators, such additional senator or senators shall be given to such county in addition to the fifty senators, and the whole number of senators shall be increased to that extent.

1908. A. No. 456 (Int. 435).

A. J. 131.

1909. A. No. 841 (Int. 770).

A. J. 456.

3. Formation of senate district by joining Richmond county to portion of New York county — additional senators for counties with two or more

§ 4. An enumeration of the inhabitants of this state shall be taken under the direction of the secretary of state, during the months of May and June, in the year one thousand nine hundred and five, and in the same months every tenth year thereafter; and the said districts shall be so altered by the legislature at the first regular session after the return of every enumeration, that each senate district shall contain as nearly as may be an equal number of inhabitants, excluding aliens, and be in as compact form as practicable, and shall remain unaltered until the return of another enumeration, and shall, at all times, consist of contiguous territory, and no county shall be divided in the formation of a senate district except to make two or more senate districts wholly in such county[.], and except that a senate district may, in the discretion of the legislature, be formed by joining the county of Richmond to a portion of the county of New York. No town, and no block in a city inclosed by streets or public ways, shall be divided in the formation of senate districts; nor shall any district contain a greater excess in population over an adjoining district in the same county, than the population of a town or block therein adjoining such district. Counties, towns or blocks of which, from their location, may be included in either of two districts, shall be so placed as to make said districts most nearly equal in number of inhabitants, excluding aliens. No county shall have four or more senators unless it shall have a full ratio for each senator. No county shall have more than one-third of all the senators; and no two counties or the territory thereof as now organized, which are adjoining counties, or which are separated only by public waters, shall have more than one-half of all the senators. The ratio for apportioning the senators shall always be obtained by dividing the number of inhabitants, excluding aliens, by fifty, and the senate shall always be composed of fifty members, except that

if any county having **[three]** *two* or more senators at the time of any apportionment shall be entitled on such ratio to an additional senator or senators, such additional senator or senators shall be given to such county in addition to the fifty senators, and the whole number of senators shall be increased to that extent.

1908. S. No. 211 (Int. 203).

S. J. 66.

4. **Single legislative body**

(For proposed amendment to this and other sections providing for a single legislative body, see p. 316.)

§ 5. The members of the Assembly shall be chosen by single districts, and shall be apportioned by the Legislature at the first regular session after the return of every enumeration among the several counties of the State, as nearly as may be according to the number of their respective inhabitants, excluding aliens. Every county heretofore established and separately organized, except the county of Hamilton, shall always be entitled to one member of assembly, and no county shall hereafter be erected unless its population shall entitle it to a member. The county of Hamilton shall elect with the county of Fulton, until the population of the county of Hamilton shall, according to the ratio, entitle it to a member. But the Legislature may abolish the said county of Hamilton and annex the territory thereof to some other county or counties. The quotient obtained by dividing the whole number of inhabitants of the State, excluding aliens, by the number of members of assembly, shall be the ratio for apportionment, which shall be made as follows: One member of assembly shall be apportioned to every county, including Fulton and Hamilton as one county, containing less than the ratio and one-half over. Two members shall be apportioned to every other county. The remaining members of assembly shall be apportioned to the counties having more than two ratios according to the number of inhabitants, excluding aliens. Members apportioned on remainders shall be apportioned to the counties having the highest remainders in the order thereof respectively. No county shall have more members of assembly than a county having a greater number of inhabitants, excluding aliens.

Until after the next enumeration, members of the Assembly shall be apportioned to the several counties as follows: Albany county, four members; Allegany county, one member; Broome

county, two members; Cattaraugus county, two members; Cayuga county, two members; Chautauqua county, two members; Che-mung county, one member; Chenango county, one member; Clin-ton county, one member; Columbia county, one member; Cortland county, one member; Delaware county, one member; Dutchess county, two members; Erie county, eight members, Essex county, one member; Franklin county, one member; Fulton and Hamil-ton counties, one member; Genesee county, one member; Greene county, one member; Herkimer county, one member; Jefferson county, two members; Kings county, twenty-one members; Lewis county, one member; Livingston county, one member; Madi-son county, one member; Monroe county, four members; Mont-gomery county, one member; New York county, thirty five mem-bers; Niagara county, two members; Oneida county, three mem-bers; Onondaga county, four members; Ontario county, one member; Orange county, two members; Orleans county, one mem-ber; Oswego county, two members; Otsego county, one member; Putnam county, one member; Queens county, three members; Rensselaer county, three members; Richmond county, one mem-ber; Rockland county, one member; St. Lawrence county, two members; Saratoga county, one member; Schenectady county, one member; Schoharie county, one member; Schuyler county, one member; Seneca county, one member; Steuben county, two members; Suffolk county, two members; Sullivan county, one member; Tioga county, one member; Tompkins county, one mem-ber; Ulster county, two members; Warren county, one member; Washington county, one member; Wayne county, one member; Westchester county, three members; Wyoming county, one mem-ber, and Yates county, one member.

In any county entitled to more than one member, the board of supervisors, and in any city embracing an entire county and hav-ing no board of supervisors, the common council, or if there be none, the body exercising the powers of a common council, shall assemble on the second Tuesday of June, one thousand eight hun-dred and ninety-five, and at such times as the Legislature making an apportionment shall prescribe, and divide such counties into assembly districts as nearly equal in number of inhabitants, ex-cluding aliens, as may be, of convenient and contiguous terri-tory in as compact form as practicable, each of which shall be

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wholly within a senate district formed under the same apportionment, equal to the number of members of assembly to which such county shall be entitled, and shall cause to be filed in the office of the Secretary of State and of the clerk of such county, a description of such districts, specifying the number of each district and of the inhabitants thereof, excluding aliens, according to the last preceding enumeration; and such apportionment and districts shall remain unaltered until another enumeration shall be made, as herein provided; but said division of the city of Brooklyn and the county of Kings to be made on the second Tuesday of June, one thousand eight hundred and ninety-five, shall be made by the common council of the said city and the board of supervisors of said county, assembled in joint session. In counties having more than one senate district, the same number of assembly districts shall be put in each senate district, unless the assembly districts cannot be evenly divided among the senate districts of any county, in which case one more assembly district shall be put in the senate district in such county having the largest, or one less assembly district shall be put in the senate district in such county having the smallest number of inhabitants, excluding aliens, as the case may require. No town, and no block in a city inclosed by streets or public ways, shall be divided in the formation of assembly districts, nor shall any district contain a greater excess in population over an adjoining district in the same senate district, than the population of a town or block therein adjoining such assembly district. Towns or blocks which, from their location, may be included in either of two districts, shall be so placed as to make said districts most nearly equal in number of inhabitants, excluding aliens; but in the division of cities under the first apportionment, regard shall be had to the number of inhabitants, excluding aliens, of the election districts according to the State enumeration of one thousand eight hundred and ninety-two, so far as may be, instead of blocks. Nothing in this section shall prevent the division, at any time, of counties and towns, and the erection of new towns by the Legislature.

An apportionment by the Legislature, or other body, shall be subject to review by the Supreme Court, at the suit of any citizen, under such reasonable regulations as the Legislature may prescribe; and any court before which a cause may be pending in-

volving an apportionment, shall give precedence thereto over all other causes and proceedings, and if said court be not in session it shall convene promptly for the disposition of the same.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Additional assemblyman for New York county

§ 5. The members of the assembly shall be chosen by single districts and shall be apportioned by the legislature at the first regular session after the return of every enumeration among the several counties of the state as nearly as may be according to the number of their respective inhabitants excluding aliens. Every county heretofore established and separately organized except the county of Hamilton shall always be entitled to one member of assembly, and no county shall hereafter be erected unless its population shall entitle it to a member. The county of Hamilton shall elect with the county of Fulton, until the population of the county of Hamilton shall, according to the ratio, entitle it to a member. But the legislature may abolish the said county of Hamilton and annex the territory thereof to some other county or counties. The quotient obtained by dividing the whole number of inhabitants of the state, excluding aliens, by the number of members of assembly, shall be the ratio for apportionment, which shall be made as follows: One member of assembly shall be apportioned to every county including Fulton and Hamilton as one county, containing less than the ratio and one-half over. Two members shall be apportioned to every other county. The remaining members [of assembly] shall be apportioned to the counties having more than two ratios according to the number of inhabitants, excluding aliens. Members apportioned on remainders shall be apportioned to the counties having the highest remainders on the order thereof respectively. No county shall have more members of assembly than a county having a greater number of inhabitants, excluding aliens. Until after the next enumeration, members of the assembly shall be apportioned to the several counties as follows: Albany county, four members; Allegany county, one member; Broome county, two members; Cattaraugus county, two members; Cayuga county, two members; Chautauqua county, two members; Chemung county, one member; Chenango county, one member; Clinton county, one member; Columbia county, one member; Cortland county, one member; Delaware county, one member; Dutchess

county, two members; Erie county, eight members; Essex county, one member; Franklin county, one member; Fulton and Hamilton counties, one member; Genesee county, one member; Greene county, one member; Herkimer county, one member; Jefferson county, two members; Kings county, twenty-one members; Lewis county, one member; Livingston county, one member; Madison county, one member; Monroe county, four members; Montgomery county, one member; New York county, **[thirty-five]** *thirty-six*; Niagara county, two members; Oneida county, three members; Onondaga county, four members; Ontario county, one member; Orange county, two members; Orleans county, one member; Oswego county, two members; Otsego county, one member; Putnam county, one member; Queens county, three members; Rensselaer county, three members; Richmond county, one member; Rockland county, one member; Saint Lawrence county, two members; Saratoga county, one member; Schenectady county, one member; Schoharie county, one member; Schuyler county, one member; Seneca county, one member; Steuben county, two members; Suffolk county, two members; Sullivan county, one member; Tioga county, one member; Tompkins county, one member; Ulster county, two members; Warren county, one member; Washington county, one member; Wayne county, one member; Westchester county, three members; Wyoming county, one member, and Yates county, one member. In any county entitled to more than one member, the board of supervisors, and in any city embracing an entire county and having no board of supervisors, the common council, or if there be none, the body exercising the powers of a common council, shall assemble on the second Tuesday of June, eighteen hundred and ninety-five, and at such times as the legislature making an apportionment shall prescribe, and divide such counties into assembly districts as nearly equal in number of inhabitants, excluding aliens, as may be, of convenient and contiguous territory in as compact form as practicable, each of which shall be wholly within a senate district formed under the same apportionment, equal to the number of members of assembly to which such county shall be entitled, and shall cause to be filed in the office of the secretary of state and of the clerk of such county, a description of such districts, specifying the number of each district and of the inhabitants thereof, excluding aliens, according to the last preceding enumeration; and such apportionment and districts shall remain

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unaltered until another enumeration shall be made, as herein provided; but said division of the city of Brooklyn and the county of Kings to be made on the second Tuesday of June, eighteen hundred and ninety-five, shall be made by the common council of the said city and the board of supervisors of said county, assembled in joint session. In counties having more than one senate district, the same number of assembly districts shall be put in each senate district, unless the assembly districts cannot be evenly divided among the senate districts of any county, in which case one more assembly district shall be put in the senate district in such county having the largest or one less assembly district shall be put in the senate district having the smallest number of inhabitants, excluding aliens, as the case may require. No town, and no block in a city inclosed by streets or public ways, shall be divided in the formation of assembly districts, nor shall any district contain a greater excess in population over an adjoining district in the same senate district than the population of a town or block therein adjoining such assembly district. Towns or blocks which, from their location may be included in either of two districts, shall be so placed as to make said district most nearly equal in number of inhabitants, excluding aliens; but in the division of cities under the first apportionment, regard shall be had to the number of inhabitants, excluding aliens, of the election districts according to the state enumeration of eighteen hundred and ninety-two, so far as may be, instead of blocks. Nothing in this section shall prevent the division, at any time, of counties and towns, and the erection of new towns by the legislature. An apportionment by the legislature, or other body, shall be subject to review by the supreme court, at the suit of any citizen, under such reasonable regulations as the legislature may prescribe; and any court before which a cause may be pending involving an apportionment, shall give precedence thereto over all other causes and proceedings, and if said court be not in session it shall convene promptly for the disposition of the same. *The municipal assembly of the city of New York, or the body exercising the powers of common council in said city shall cause an enumeration to be made of the inhabitants of senate district number twenty-one referred to in section three of this article, by the police authorities of the city of New York, upon the approval of this act, in the month of January, nineteen hundred and one, and the said municipal assembly of*

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the city of New York, or the body exercising the powers of common council in said city, shall thereupon, and on or before the second Tuesday of June, nineteen hundred and one, shall divide the said senate district number twenty-one into three assembly districts, of as nearly an equal number of inhabitants, excluding aliens, as may be, regard being had to the number of inhabitants, excluding aliens, according to said enumeration.

(For preceding section of this resolution, see proposed amendment to Art. III, § 2, p. 48.)

1899. A. No. 310 (Int. 302).

A. J. 132.

2. Single legislative body

(For proposed amendment to this and other sections providing for a single legislative body, see p. 316.)

§ 6. Each member of the Legislature shall receive for his services an annual salary of one thousand five hundred dollars. The members of either house shall also receive the sum of one dollar for every ten miles they shall travel in going to and returning from their place of meeting, once in each session on the most usual route. Senators, when the Senate alone is convened in extraordinary session, or when serving as members of the Court for the Trial of Impeachments, and such members of the Assembly, not exceeding nine in number, as shall be appointed managers of an impeachment, shall receive an additional allowance of ten dollars a day.

AMENDMENT SUBMITTED TO THE PEOPLE BUT REJECTED

1. Salaries and mileage of senators and assemblymen

§ 6. Each member of the legislature shall receive for his services an annual salary [of one thousand five hundred dollars.] as follows: Each member of the senate the sum of three thousand five hundred dollars and each member of the assembly the sum of three thousand dollars. The members of either house shall also receive the sum of [one dollar] three cents for [every ten miles] each mile they shall travel in going to and returning from their place of meeting, one in each week of actual attendance of the session, on the most usual route. Senators, when the senate alone is convened in extraordinary session, or when serving as members of the court for the trial of impeachments, and such members of the

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assembly, not exceeding nine in number, as shall be appointed managers of an impeachment, shall receive an additional allowance of ten dollars a day.

1910. A. No. 1233 (Int. 349). To S. Amended, S. No. 853. To Sec. of State.
A. J. 123, 625, 699, 753, 827, 858, 1408, 1479.
S. J. 399, 464, 502, 568, 573, 666.
1911. A. No. 55 (Int. 55). (Substituted for S. No. 30.) To Sec. of State.
A. J. 50, 661, 696, 702, 714, 752, 844.
S. J. 411, 421.
S. No. 30 (Int. 30). (A. No. 55 substituted.)
S. J. 23, 285, 334, 364, 411.
Rejected Nov. 7, 1911.
Vote: for, 267,194; against, 352,830.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Salaries of senators and assemblymen

§ 6. Each member of the [legislature] *senate* shall receive for his services an annual salary of [one] *five thousand* [five hundred] dollars. *Each member of the assembly shall receive for his services an annual salary of three thousand five hundred dollars.* The members of either house shall also receive the sum of one dollar for every ten miles they shall travel in going to and returning from their place of meeting, once in each session, on the most usual route. Senators, when the senate alone is convened in extraordinary session, or when serving as members of the court for the trial of impeachment, and such members of the assembly, not exceeding nine [in number] *members*, as shall be appointed managers of an impeachment, shall receive an additional allowance of ten dollars a day.

1903. S. No. 371 (Int. 328).
S. J. 165.

§ 6. Each member of the [legislature] *senate* shall receive for his services an annual salary of [one] *five thousand* [five hundred] dollars[.]; *and each member of the assembly shall receive for his services an annual salary of three thousand dollars.* The members of either house shall also receive the sum of one dollar for every ten miles they shall travel in going to and returning from their place of meeting, once in each session, on the most usual route. Senators, when the senate alone is convened in extraordinary session, or when serving as members of the court for the trial of impeachments, and such members of the assembly, not exceeding nine [in number] *members*, as shall be appointed

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managers of an impeachment, shall receive an additional allowance of ten dollars a day.

(For preceding section of this resolution, see proposed amendment to Art. III, § 2, p. 46.)

1906. A. No. 1407 (Int. 1133).

A. J. 943.

§ 6. Each member of the legislature shall receive for his services an annual salary of *three thousand* [one thousand five hundred] dollars. The members of either house shall also receive the sum of one dollar for every ten miles they shall travel in going to and returning from their place of meeting, [once] *one* in each session, on the most usual route. Senators, when the senate alone is convened in extraordinary session, or when serving as members of the court for the trial of impeachments, and such members of the assembly, not exceeding nine [in number] *members*, as shall be appointed managers of an impeachment, shall receive an additional allowance of ten dollars a day.

1907. A. No. 509 (Int. 496).

A. J. 143, 2918.

1908. A. No. 4 (Int. 4).

A. J. 26, 1726.

1909. A. No. 181 (Int. 181).

A. J. 57.

§ 6. Each member of the legislature shall receive for his services an annual salary [of one thousand five hundred dollars.] *as follows: For senator, \$5,000, and for assemblyman, \$2,500.* The members of either house shall also receive the sum of [one dollar] \$1 for every ten miles they shall travel in going to and returning from their place of meeting, once in each session, on the most usual route. Senators, when the Senate alone is convened in extraordinary session, or when serving as members of the court for the trial of impeachments, and such members of the Assembly, not exceeding nine [in number] *members*, as shall be appointed managers of an impeachment, shall receive an additional allowance of [ten dollars] \$10 a day.

1908. S. No. 657 (Int. 565).

S. J. 299.

§ 6. Each member of the legislature shall receive for his services an annual salary [of one thousand five hundred dollars.] *as follows: Each member of the senate the sum of three thousand five hundred dollars and each member of the assembly the sum of*

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three thousand dollars. The members of either house shall also receive the sum of one dollar for every ten miles they shall travel in going to and returning from their place of meeting, once in each session, on the most usual route. Senators, when the senate alone is convened in extraordinary session, or when serving as members of the court for the trial of impeachments, and such members of the assembly, not exceeding nine in number, as shall be appointed managers of an impeachment, shall receive an additional allowance of ten dollars a day.

1910. S. No. 679 (Int. 188).
S. J. 61, 366, 417, 638.
1912. A. No. 907 (Int. 833).
A. J. 368.

2. Mileage of senators and assemblymen

§ 6. Each member of the Legislature shall receive for his services an annual salary of one thousand five hundred dollars. The members of either house shall also receive the sum of one dollar for every ten miles they shall travel in going to and returning from their place of meeting, **[once]** *twelve times* in each session, on the most usual route. Senators, when the Senate alone is convened in extraordinary session, or when serving as members of the Court for the Trial of Impeachments, and such Members of the Assembly, not exceeding nine in number, as shall be appointed managers of an impeachment, shall receive an additional allowance of ten dollars a day.

1895. A. No. 2780 (Int. 1741). To S.
A. J. 3873.
S. J. 2011.

3. Biennial sessions of legislature—salaries and terms of legislators—appropriations—apportionment

(For proposed amendment to this and other sections providing for biennial sessions of the legislature, changing the salaries and terms of the legislators and regulating the making of appropriations and apportionment of legislators, see p. 311.)

4. Terms and salaries of members of legislature, governor and Lieutenant-governor—short ballot

(For proposed amendment to this and other sections changing the terms and salaries of the members of the legislature, governor and lieutenant-governor, and providing for the short ballot, see p. 319.)

§ 10. A majority of each house shall constitute a quorum to do business. Each house shall determine the rules of its own proceedings, and be the judge of the elections, returns and qualifica-

tions of its own members; shall choose its own officers; and the Senate shall choose a temporary president to preside in case of the absence or impeachment of the Lieutenant-Governor, or when he shall refuse to act as president, or shall act as Governor.

AMENDMENT PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Rules regulating the introduction of bills

§ 10. A majority of each house shall constitute a quorum to do business. Each house shall determine the rules of its own proceedings, and be the judge of the elections, returns and qualifications of its own members; [shall] choose its own officers; and the Senate shall choose a temporary president to preside in case of the absence or impeachment of the Lieutenant-Governor, or when he shall refuse to act as president, or shall act as Governor. *The legislature may make such rules as are necessary to regulate and limit the introduction of bills during each session.*

1910. A. No. 1704 (Int. 1317). To S.
A. J. 1182, 3263, 3273, 3330, 3398, 3531, 3674.
S. J. 1920.

§ 14. The enacting clause of all bills shall be "The People of the State of New York, represented in Senate and Assembly, do enact as follows," and no law shall be enacted except by bill.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Initiative and referendum

(For proposed amendment to this and other sections providing for the initiative and the referendum, see p. 271.)

2. Initiative, referendum and recall

(For proposed amendment to this and other sections providing for the initiative, the referendum and the recall, see p. 293.)

§ 15. No bill shall be passed or become a law unless it shall have been printed and upon the desks of the members, in its final form, at least three calendar legislative days prior to its final passage, unless the Governor, or the acting Governor, shall have certified to the necessity of its immediate passage, under his hand and the seal of the State; nor shall any bill be passed or become a law, except by the assent of a majority of the members elected to each branch of the Legislature; and upon the last reading of a bill, no amendment thereof shall be allowed, and the question upon its final passage shall be taken immediately thereafter, and the yeas and nays entered on the journal.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE**1. Requiring opinion of court of appeals on pending bills**

§ 15. (Proposal to add the following:) *Each house of the legislature shall have authority to require the opinions of the judges of the court of appeals upon important bills pending in the legislature, before their third reading, as to their constitutionality excepting, however, private or local bills.*

1913. A. No. 180 (Int. 177).

A. J. 64, 1054, 1116, 1158, 1270, 1564, 1947, 2010.

2. Initiative and referendum

(For proposed amendment to this and other sections providing for the initiative and the referendum, see p. 271.)

§ 18. The Legislature shall not pass a private or local bill in any of the following cases:

Changing the names of persons.

Laying out, opening, altering, working or discontinuing roads, highways or alleys, or for draining swamps or other low lands.

Locating or changing county seats.

Providing for changes of venue in civil or criminal cases.

Incorporating villages.

Providing for election of members of boards of supervisors.

Selecting, drawing, summoning or impaneling grand or petit jurors.

Regulating the rate of interest on money.

The opening and conducting of elections or designating places of voting.

Creating, increasing or decreasing fees, percentages or allowances of public officers, during the term for which said officers are elected or appointed.

Granting to any corporation, association or individual the right to lay down railroad tracks.

Granting to any private corporation, association or individual any exclusive privilege, immunity or franchise whatever.

Providing for building bridges, and chartering companies for such purposes, except on the Hudson river below Waterford, and on the East river, or over the waters forming a part of the boundaries of the State.

The Legislature shall pass general laws providing for the cases enumerated in this section, and for all other cases which in its judgment may be provided for by general laws. But no law shall authorize the construction or operation of a street railroad except upon the condition that the consent of the owners of one-half in value of the property bounded on, and the consent also of the local authorities having the control of, that portion of a street or highway upon which it is proposed to construct or operate such railroad be first obtained, or in case the consent of such property owners cannot be obtained, the Appellate Division of the Supreme Court, in the department in which it is proposed to be constructed, may, upon application, appoint three commissioners who shall determine, after a hearing of all parties interested, whether such railroad ought to be constructed or operated, and their determination, confirmed by the court, may be taken in lieu of the consent of the property owners.

AMENDMENT SUBMITTED TO THE PEOPLE AND ADOPTED

§ 18. The legislature shall not pass a private or local bill in any of the following cases:

Changing the names of persons.

Laying out, opening, altering, working or discontinuing roads, highways or alleys, or for draining swamps or other low lands.

Locating or changing county seats.

Providing for changes of venue in civil or criminal cases.

Incorporating villages.

Providing for election of members of boards of supervisors.

Selecting, drawing, summoning or empaneling grand or petit jurors.

Regulating the rate of interest on money.

The opening and conducting of elections or designating places of voting.

Creating, increasing or decreasing fees, percentage or allowances of public officers, during the term for which said officers are elected or appointed.

Granting to any corporation, association or individual the right to lay down railroad tracks.

Granting to any private corporation, association or individual any exclusive privilege, immunity or franchise whatever.

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Granting to any person, association, firm or corporation, an exemption from taxation on real or personal property.

Providing for building bridges, and chartering companies for such purposes, except on the Hudson river below Waterford, and on the East river, or over the waters forming a part of the boundaries of the state.

The legislature shall pass general laws providing for the cases enumerated in this section, and for all other cases which in its judgment may be provided for by general laws. But no law shall authorize the construction or operation of a street railroad except upon the condition that the consent of the owners of one-half in value of the property bounded on, and the consent also of the local authorities having the control of that portion of a street or highway upon which it is proposed to construct or operate such railroad be first obtained, or in case the consent of such property owners cannot be obtained, the appellate division of the supreme court, in the department in which it is proposed to be constructed, may, upon application, appoint three commissioners who shall determine, after a hearing of all parties interested, whether such railroad ought to be constructed or operated, and their determination, confirmed by the court, may be taken in lieu of the consent of the property owners.

1899. A. No. 2124 (Int. 1425). To Sec. of State.

A. J. 1812, 2031, 2162, 2300, 2601, 2642, 2644, 3494.

S. J. 1369, 1581, 1769.

1901. A. No. 1488 (Int. 843). To Sec. of State.

A. J. 619, 1152, 1270, 1294, 1444, 1527, 1576, 1658, 1660, 4031.

S. J. 847, 1830, 1958, 1959.

Adopted Nov. 5, 1901.

Vote: for, 354,881; against, 309,245.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Classification of villages, towns and counties—general and special village, town and county laws—acceptance by village, town or county

§ 18. (Proposal to add the following:) *The legislature may divide the villages, the towns or the counties of the state into not more than three classes. Laws relating to the property, affairs or government of villages, *town or counties are divided into general and special village, town and county laws; general laws are those relating to all villages, towns or counties of one or more classes;*

* So in original.

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special laws are those relating to a single village, town or county or to less than all the villages, towns or counties of a class. Special village, town or county laws shall not be enacted except in conformity with the provisions of this section. Every bill for a special village, town or county law, ten days after its passage by the legislature, unless vetoed by the governor, shall be transmitted by the secretary of state to the clerks of the villages, towns or counties to which it relates. The village board of trustees, the town board or the county boards of supervisors shall act for the village, town or county as to such bill. The legislature shall provide for a public notice and opportunity for a public hearing concerning any such bill in the villages, towns or counties or parts thereof to which it relates before action thereon. Whenever any such bill has been passed it shall be returned to the legislature within fifteen days of the sending of the notice of its passage to the clerks of the villages, towns or counties to which it relates with or without the acceptance of the village board of trustees, the town board or the county board of supervisors. Whenever during the session at which it was passed, any such bill shall be returned without the acceptance of the villages, towns or counties or parts thereof to which it relates or within such fifteen days is not returned, it may nevertheless again be passed by both branches of the legislature and it shall then be subject as are other bills to the action of the governor. In every special law which has been accepted by the villages, towns or counties to which it relates, the title shall be followed by the words "accepted by the village" "accepted by the town" "accepted by the county" as the case may be; in every such law which is passed without such acceptance by the words "passed without the acceptance of the village" "passed without the acceptance of the town" or "passed without the acceptance of the county" as the case may be.

1903. A. No. 881 (Int. 749).

A. J. 451.

§ 18. (Proposal to add the following:) *The legislature may divide the counties of the state into not more than two classes. Laws relating to the property, affairs or government of villages, towns or counties are divided into general and special village, town and county laws; general laws are those relating to all towns or all villages of the state or to all counties of one or more classes; special laws are those relating to a single village, town or county*

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or to less than all the villages or towns of the state or to less than all the counties of a class. Special village, town or county laws shall not be enacted except in conformity with the provisions of this section.

No bill for a special village, town or county law shall be introduced except on petition, in each of the villages, towns and counties to which it relates, of the village board of trustees, the town board or the county board of supervisors or upon a petition signed by two per centum of the legal voters of the county in case of a county bill or by ten per centum of the legal voters of the town or village in case of a town or village bill. Every bill for a special village, town or county law, ten days after its passage by the legislature, unless vetoed by the governor, shall be transmitted by the secretary of state to the clerks of the villages, towns or counties to which it relates. The question of the acceptance of the bill by each such village, town or county shall be submitted to the electors at the next regular village, town or county election or may be submitted at an election called for the purpose by a village board of trustees, a town board or a county board of supervisors. The result of such election shall be certified to the secretary of state by the officers authorized to determine the same. On the certificate of the secretary of state that the bill has received a majority vote in all the villages, towns or counties voting on it, it shall become a law.

1903. A. No. 1703 (Int. 1267).
A. J. 1525.

§ 19. The Legislature shall neither audit nor allow any private claim or account against the State, but may appropriate money to pay such claims as shall have been audited and allowed according to law.

AMENDMENT PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Providing for private claims by general laws

§ 19. The legislature shall **[neither]** *not* audit **[nor]** *or* allow any private claim or account against the state, *or provide therefor except by general laws*, but may appropriate money to pay such claims as shall have been audited and allowed according to law.

1900. S. No. 473 (Int. 427).
S. J. 248.

Article III, § 21

§ 21. No money shall ever be paid out of the treasury of this State, or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made within two years next after the passage of such appropriation act; and every such law making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to which it is to be applied; and it shall not be sufficient for such law to refer to any other law to fix such sum.

AMENDMENT PROPOSED BUT NOT SUBMITTED TO THE PEOPLE
 1. Repayment of surplus state money to counties

§ 21. *Except as provided in this section, no [No] money shall ever be paid out of the treasury of this state, or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made within two years next after the passage of such appropriation act; and every such law making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to which it is to be applied; and it shall not be sufficient for such law to refer to any other law to fix such sum. All money in the state treasury at the end of a fiscal year in excess of the amount needed for the current expenses of such year, shall be repaid to the several counties in the proportion of the valuations of the real and personal property therein. Such money shall be repaid in such manner and by such officers as the legislature shall direct, without a specific appropriation therefor; and shall be applicable to such county purposes as shall be provided by law.*

1902. A. No. 1007 (Int. 832).
 A. J. 664.

§ 22. No provision or enactment shall be embraced in the annual appropriation or supply bill, unless it relates specifically to some particular appropriation in the bill; and any such provision or enactment shall be limited in its operation to such appropriation.

AMENDMENT PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Biennial sessions of legislature — salaries and terms of legislators — appropriations — apportionment

(For proposed amendment to this and other sections providing for biennial sessions of the legislature, changing the salaries and terms of the legislators and regulating the making of appropriations and apportionment of legislators, see p. 811.)

§ 23. Sections seventeen and eighteen of this article shall not apply to any bill, or the amendments to any bill, which shall be reported to the Legislature by commissioners who have been appointed pursuant to law to revise the statutes.

AMENDMENT PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Bills reported by statutory revision commissioner — statement of repealed laws — assent of two-thirds of legislature

§ 23. (Proposal to add the following:) *but whenever such commissioners shall report any bill or the amendments to any bill to which such sections shall apply, they shall also, in a separate report, distinctly specify the section and the particular clause of such section, which is to be abrogated by the passage of such bill or such amendments to any bill, and the assent of two-thirds of the members elected to each branch of the Legislature shall be requisite to every bill as reported to the Legislature by such commissioners.*

1896. A. No. — (Int. —).
A. J. 115.*

§ 26. There shall be in the several counties, except in cities whose boundaries are the same as those of the county, a board of supervisors, to be composed of such members, and elected in such manner, and for such period, as is or may be provided by law. In any such city the duties and powers of a board of supervisors may be devolved upon the common council or board of aldermen thereof.

AMENDMENT SUBMITTED TO THE PEOPLE AND ADOPTED

§ 26. There shall be in [the several counties] each county, except in [cities whose boundaries are the same as those of the county] a county wholly included in a city, a board of supervisors, to be composed of such members and elected in such manner and for such period as is or may be provided by law. In [any such] a city which includes an entire county, or two or more entire counties, the [duties and powers] powers and duties of a board of supervisors may be devolved upon the municipal assembly, common council, [or] board of aldermen [thereof.] or other legislative body of the city.

* The proposed amendment to Art. III, § 23, referred to on A. J. 115 was apparently never printed.

Article III, § 27

1897. A. No. 1708 (Int. 956). (Same as S. No. 1011.) To Sec. of State.
 A. J. 787, 1399, 1688, 1741, 1761, 1794, 2050.
 S. J. 782, 807.
 S. No. 1011 (Int. 590). (Same as A. No. 1708.)
 S. J. 344, 622, 639, 643.
1899. S. No. 632 (Int. 356). To Sec. of State.
 S. J. 175, 248, 299, 449, 464, 465, 1681.
 A. J. 984, 3042, 3206, 3270, 3271.
 Adopted Nov. 7, 1899.
 Vote: for, 325,182; against, 144,667.

§ 27. The Legislature shall, by general laws, confer upon the boards of supervisors of the several counties of the State such further powers of local legislation and administration as the Legislature may from time to time deem expedient.

AMENDMENT SUBMITTED TO THE PEOPLE AND ADOPTED

Section 27. The legislative shall, by general laws, confer upon the boards of supervisors of the several counties of the state such further powers of local legislation and administration as the legislature may, from time to time, deem expedient[.], and in counties which now have, or may hereafter have, county auditors or other fiscal officers, authorized to audit bills, accounts, charges, claims or demands against the county, the legislature may confer such powers upon said auditors, or fiscal officers, as the legislature may, from time to time deem expedient.

1907. S. No. 1468 (Int. 290). To Sec. of State.
 S. J. 126, 1277, 1491, 1635, 1698, 1878.
 A. J. 3419, 4037, 4041, 4044.
1909. S. No. 240 (Int. 235). To Sec. of State.
 S. J. 118, 822, 920, 996, 1072, 1493.
 A. J. 2178, 2456, 2469, 2519.
 Adopted Nov. 2, 1909.
 Vote: for, 253,774; against, 223,331.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. County auditor

§ 27. (Proposal to add the following:) *The legislature may provide for the election or appointment of a local officer in any county to discharge the duties of auditing all accounts and charges against the county, and to exercise such other powers in special cases as may be provided by law.*

1905. S. No. 252 (Int. 252). To A.
 S. J. 96, 221, 276, 301, 307.
 A. J. 510.

Article III, § 29

2. Auditing county claims—paying claims over auditor's objection

§ 27. (Proposal to add the following:) *In counties now having, or which may hereafter have, county auditors or other fiscal officers, authorized to audit bills, accounts, charges, claims or demands against the county, the legislature may provide by law, that every resolution, adopted by the board of supervisors of any such county, authorizing the payment of any such bill, account, charge, claim or demand, before it be valid, shall be presented to such county auditor, or other fiscal officers, and if he approve, he shall sign it; but if not, he shall return it with his objections to the board of supervisors, which shall enter the objections at large on its journal and proceed to reconsider it. If after such reconsideration two-thirds of the members elected shall readopt such resolution, it shall thereupon be valid, notwithstanding the objections of the auditor, or other fiscal officer. In all such cases, the votes shall be determined by yeas and nays, and the names of the members voting shall be entered on the journal. If any such resolution be not returned by the auditor or other fiscal officer in ten days (Sundays excepted) after it shall have been presented to him, the same shall be valid in like manner as if he had signed it, unless the board of supervisors, by their adjournment, prevent its return, in which case it shall not become valid without the signature of such auditor, or other fiscal officer, within twenty days after such adjournment.*

1906. S. No. 789 (Int. 656). To A.
S. J. 471, 1261, 1358, 1546.
A. J. 2904.

1907. A. No. 792 (Int. 726).
A. J. 338.

3. Enactment of forest, fish and game regulations by state officers

§ 27-a. (Proposal to add the following new section:) *The legislature may from time to time by law confer upon such state officers as it deems expedient the power to enact ordinances having the force of law, for the protection, regulation and control of the forests, fish and game of the state, subject to existing provisions of the constitution relating to the forest preserve.*

1900. S. No. 586 (Int. 320).
S. J. 179, 284, 376, 463.

§ 29. **The Legislature shall, by law, provide for the occupation and employment of prisoners sentenced to the several state prisons, penitentiaries, jails and reformatories in the State; and**

Article III, § 29

on and after the first day of January, in the year one thousand eight hundred and ninety-seven, no person in any such prison, penitentiary, jail or reformatory, shall be required or *allowed to work while under sentence thereto, at any trade, industry or occupation, wherein or whereby his work, or the product or profit of his work, shall be farmed out, contracted, given or sold to any person, firm, association or corporation. This section shall not be construed to prevent the Legislature from providing that convicts may work for, and that the products of their labor may be disposed of to, the State or any political division thereof, or for or to any public institution owned or managed and controlled by the State, or any political division thereof.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Employment of prisoners

§ 29. [The legislature shall, by law, provide for the occupation and employment of] *All prisoners sentenced to the several state prisons, penitentiaries, jails and reformatories in the state shall be kept occupied and employed at labor; and on and after the first day of January, [in the year] eighteen hundred and ninety-seven, no [person in any such prison, penitentiary, jail or reformatory,] such prisoner shall be required or allowed to work [while under sentence thereto,] at any trade, industry or occupation, wherein or whereby his [work, or the product or profit of his work,] labor or time shall be farmed out[,] or contracted[, given or sold] to any person, firm, [association] organization or corporation. [This section shall not be construed to prevent the Legislature from providing that convicts may work for, and that the products of their labor may be disposed of to, the State or any political division thereof, or for or to any] The legislature shall provide for the employment of such prisoners, as far as practicable, upon public works, or in the manufacture of supplies required for the use of public institutions owned or managed and controlled by the state or any political division thereof.*

1895. A. No. 2083 (Int. 1497). (Same as S. No. 1050.) To Sec. of State.
 A. J. 1939, 2674, 2769, 2841, 2977, 3053, 3157, 4058.
 S. J. 1484, 1897, 1956, 2083.
 S. No. 1050 (Int. 818). (Same as A. No. 2083.)
 S. J. 1001.
 1896. S. No. 1062 (Int. 856).
 S. J. 686.

* So in original.

Article III, § 30

2. Allowing wages to prisoners—payment to dependants

§ 29. (Proposal to add the following:) *Provided that there shall be credited to all persons confined in penal institutions in this state an amount not less than the average wage otherwise paid in this or neighboring states for the same or similar labor from which amount shall be deducted the actual cost of provisions furnished such persons. Two-thirds of the remaining amount shall be equitably paid every three months to the dependent or dependents of all such persons; the remainder shall be placed at the disposal of all persons thus confined at the end of each year from date of sentence or at time of release with interest at three per centum per annum.*

1912. A. No. 1512 (Int. 1299).
A. J. 835.

3. Restricting legislation as to cities—municipal control of public utilities

§ 30. (Proposal to add the following new section:) *The legislature shall itself have no power after January first, nineteen hundred and eight to pass any law for the opening, making, paving, lighting, or otherwise improving or maintaining streets, avenues, parks or places, docks or wharves, or any of them, or for any other local work or improvement in or for a city, but laws shall be made to confer upon the city government all authority necessary for such purposes and, in particular, authority for providing, maintaining, improving and regulating within the corporate limits the following public services: (1) street railways, whether surface, elevated or subsurface; (2) sewers; (3) water; (4) gas, whether for light, fuel or other purposes; (5) electricity, whether for light, heat, power or other purposes; (6) bridges; (7) tunnels; (8) ferries; (9) docks; or any of them.*

1905. S. No. 206 (Int. 196). (Same as A. No. 364.)
S. J. 80.
A. No. 364 (Int. 364). (Same as S. No. 206.)
A. J. 80.

(For other proposals restricting legislation as to cities and providing for municipal control of public utilities, see p. 337.)

4. General tax

§ 30. (Proposal to add the following new section:) *Hereafter there shall be no general tax levy on the real and personal property in the state except to meet expenses of national defense, of maintaining the union of the states, of quelling insurrection, or as*

Article III, § 30

required by a vote of the people on a proposition submitted pursuant to a joint resolution of the senate and assembly.

1901. S. No. 61 (Int. 61).

S. J. 153.

1903. S. No. 343 (Int. 302).

S. J. 145.

5. Contracts of employment — workmen's compensation

§ 30. (Proposal to add the following new section:) *The legislature may impose such conditions on any contracts of employment as shall protect the health or promote the safety or well-being of any of the parties thereto, or the public, or to make provision for the payment of compensation, with or without the right of trial by jury and with or without regard to fault, to employees injured by accidents of employment, or to persons dependent upon them, either by employers, or by employers and employees or otherwise, in such manner as the legislature may prescribe, and in the exercise of the powers herein conferred, the legislature shall not be limited by article one, section eighteen, of this constitution.*

1911. S. No. 2022 (Int. 1216). (Same as A. No. 2064.)

S. J. 817, 1815.

A. No. 2064 (Int. 1676). (Same as S. No. 2022.)

A. J. 1770.

1912. S. No. 186 (Int. 183).

S. J. 48.

(For adopted amendment authorizing a workmen's compensation law, see Art. I, § 19, p. 15.)

(For other proposals authorizing a workmen's compensation law, see proposed amendments to Art. I, § 6, p. 7, and § 19, p. 16.)

6. Forbidding sex discrimination

§ 30. (Proposal to add the following new section:) *The legislature shall pass no law making any distinction or discrimination between the sexes in relation to personal, civil or property rights. Every act of the legislature in force at the time this section takes effect, which future legislatures would be forbidden by this section to enact are hereby made null and void, but such nullification shall not affect vested property rights heretofore accrued.*

1913. A. No. 1098 (Int. 1043).

A. J. 420.

7. Public service franchises

§ 30. (Proposal to add the following new section:) *No public service franchise shall hereafter be granted within the state of New York except for a term not to exceed fifty years, nor without the assent of the local authorities of each city, town or village where it is in whole or part located. At the expiration of the*

Article IV, § 1

term for which a public service franchise shall heretofore or hereafter have been granted, no renewal thereof shall be made except by public bidding. One of the conditions of said bidding shall be that the bidder pay to the owner of the said expiring franchise the then value of the tangible property necessary to its operation.

1904. A. No. 237 (Int. 230).
A. J. 97.

§ 30. (Proposal to add the following new section:) *No franchise or right to use the streets, avenues, waters, rivers, parkways or highways of a city of the first class shall be granted for a longer period than twenty-five years, or without the consent of the local authorities.*

1906. A. No. 294 (Int. 294).
A. J. 102.

ARTICLE IV

§ 1. The executive power shall be vested in a Governor, who shall hold his office for two years; a Lieutenant-Governor shall be chosen at the same time, and for the same term. The Governor and Lieutenant-Governor elected next preceding the time when this section shall take effect, shall hold office until and including the thirty-first day of December, one thousand eight hundred and ninety-six, and their successors shall be chosen at the general election in that year.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Term of governor and Lieutenant-governor

§ 1. The executive power shall be vested in a governor, who shall hold his office for [two] four years; a lieutenant-governor shall be chosen at the same time, and for the same term. The governor and lieutenant-governor elected next preceding the time when this section shall take effect, shall hold office until and including the thirty-first day of December, one thousand [eight] nine hundred and [ninety-six,] twelve, and their successors shall be chosen at the general election in that year.

1910. A. No. 2504 (Int. 435).
A. J. 186, 2424, 2434, 3263, 3272, 3329, 3395.

2. Terms and salaries of members of legislature, governor and Lieutenant-governor — short ballot

(For proposed amendment to this and other sections changing the terms and salaries of the members of the legislature, governor and lieutenant-governor and providing for the short ballot, see p. 319.)

§ 3. The Governor and Lieutenant-Governor shall be elected at the times and places of choosing members of the Assembly. The persons respectively having the highest number of votes for Governor and Lieutenant-Governor shall be elected; but in case two or more shall have an equal and the highest number of votes for Governor, or for Lieutenant-Governor, the two houses of the Legislature at its next annual session shall forthwith, by joint ballot, choose one of the said persons so having an equal and the highest number of votes for Governor or Lieutenant-Governor.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Biennial sessions of legislature — terms and apportionment of legislators

(For proposed amendment to this and other sections providing for biennial sessions of the legislature, changing the terms and regulating the apportionment of the legislators, see p. 310.)

2. Biennial sessions of legislature — United States deposit fund

(For proposed amendment to this and other sections providing for biennial sessions of the legislature and regulating the use of the United States deposit fund for educational purposes, see p. 314.)

3. Biennial sessions of legislature — salaries and terms of legislators — appropriations — apportionment

(For proposed amendment to this and other sections providing for biennial sessions of the legislature, changing the salaries and terms of the legislators, and regulating the making of appropriations and apportionment of legislators, see p. 311.)

§ 4. The Governor shall be Commander-in-Chief of the military and naval forces of the State. He shall have power to convene the Legislature, or the Senate only, on extraordinary occasions. At extraordinary sessions no subject shall be acted upon, except such as the Governor may recommend for consideration. He shall communicate by message to the Legislature at every session the condition of the State, and recommend such matters to it as he shall judge expedient. He shall transact all necessary business with the officers of government, civil and military. He shall expedite all such measures as may be resolved upon by the Legislature, and shall take care that the laws are faithfully executed. He shall receive for his services an annual salary of ten thousand dollars, and there shall be provided for his use a suitable and furnished executive residence.

AMENDMENT SUBMITTED TO THE PEOPLE BUT REJECTED

1. Salary of governor

§ 4. The governor shall be commander-in-chief of the military and naval forces of the state. He shall have power to convene

Article IV, § 4

the legislature, or the senate only, on extraordinary occasions. At extraordinary sessions no subject shall be acted upon, except such as the governor may recommend for consideration. He shall communicate by message to the legislature at every session the condition of the state, and recommend such matters to it as he shall judge expedient. He shall transact all necessary business with the officers of government, civil and military. He shall expedite all such measures as may be resolved upon by the legislature, and shall take care that the laws are faithfully executed. He shall receive for his services an annual salary of **[ten]** *twenty* thousand dollars, and there shall be provided for his use a suitable and furnished executive residence.

1910. A. No. 1232 (Int. 421). (Substituted for S. No. 680.) To Sec. of State.
A. J. 170, 625, 700, 753, 812, 833, 850, 877, 908.
S. J. 398, 406, 407.
S. No. 680 (Int. 68). (A. No. 1232 substituted.)
S. J. 31, 368, 399.
1911. S. No. 2013 (Int. 1469). To Sec. of State.
S. J. 1384, 1704, 1802, 1937, 2240.
A. J. 3361, 3773, 3782, 3787, 4039.
* S. No. 2249 (Int. 1660). To Sec. of State.
S. J. 2264, 2413, 2428.
A. J. 4091.
Rejected Nov. 7, 1911.
Vote: for, 252,791; against, 376,455.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Salary of governor

§ 4. The governor shall be commander-in-chief of the military and naval forces of the state. He shall have power to convene the legislature, or the senate only, on extraordinary occasions. At extraordinary sessions no subject shall be acted upon, except such as the governor may recommend for consideration. He shall communicate by message to the legislature at every session the condition of the state, and recommend such matters to it as he shall judge expedient. He shall transact all necessary business with the officers of government, civil and military. He shall expedite all such measures as may be resolved upon by the legislature, and shall take care that the laws are faithfully executed. He shall receive for his services an annual salary **[of]** *twenty-five* **[ten]**

* To correct technical error in S. No. 2013 (Int. 1469). See Legislative Index 1911, p. 153.

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thousand dollars, and there shall be provided for his use a suitable and furnished executive residence.

1908. S. No. 578 (Int. 7).

S. J. 7, 277, 305, 353, 407.

2. Short ballot

(For proposed amendment to this and other sections providing for the short ballot, see p. 322.)

3. Terms and salaries of members of legislature, governor and lieutenant-governor — short ballot

(For proposed amendment to this and other sections changing the terms and salaries of the members of the legislature, governor and lieutenant-governor and providing for the short ballot, see p. 319.)

§ 5. The Governor shall have the power to grant reprieves, commutations and pardons after conviction, for all offenses except treason and cases of impeachment, upon such conditions and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he shall have power to suspend the execution of the sentence, until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall annually communicate to the Legislature each case of reprieve, commutation or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the commutation, pardon or reprieve.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Court of pardons — remission of fines

§ 5. The governor, *the chief judge and three judges of the court of appeals, or a major part of them, annually designated by the governor shall constitute a court of pardons* and shall have the power to grant reprieves, commutations, *remit fines* and pardons after conviction, for all offenses except treason and cases of impeachment, upon such conditions and with such restrictions and limitations, as [he] *they* may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, [he] *the governor* shall have power to suspend the execution of the sentence, until the case

Article IV, § 9

shall be reported to the legislature at its next meeting, when the legislature shall either pardon, or commute the sentence, direct the execution of the sentence, or grant a further reprieve. [He] *The governor* shall annually communicate to the legislature each case of reprieve, commutation, [or] pardon granted, *or fine remitted* stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the commutation, pardon, [or] reprieve *or remission of fine*.

1913. A. No. 1873 (Int. 31).

A. J. 36, 1057, 1166, 1272, 1369, 1410, 1522, 1585, 1755, 1816, 2132, 2311, 2408.

2. Biennial sessions of legislature — United States deposit fund

(For proposed amendment to this and other sections providing for biennial sessions of the legislature and regulating the use of the United States deposit fund for educational purposes, see p. 314.)

§ 9. Every bill which shall have passed the Senate and Assembly shall, before it becomes a law, be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it with his objections to the house in which it shall have originated, which shall enter the objections at large on the journal, and proceed to reconsider it. If after such reconsideration, two-thirds of the members elected to that house shall agree to pass the bill, it shall be sent together with the objections to the other house by which it shall likewise be reconsidered; and if approved by two-thirds of the members elected to that house, it shall become a law notwithstanding the objections of the Governor. In all such cases, the votes in both houses shall be determined by yeas and nays, and the names of the members voting shall be entered on the journal of each house respectively. If any bill shall not be returned by the Governor within ten *day (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature shall, by their adjournment, prevent its return, in which case it shall not become a law without the approval of the Governor. No bill shall become a law after the final adjournment of the Legislature, unless approved by the Governor within thirty days after such adjournment. If any bill presented to the Governor contain several items of appropriation of money, he may object to one or more of such items while approving of the other

* So in original.

portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects; and the appropriation so objected to shall not take effect. If the Legislature be in session, he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If on reconsideration one or more of such items be approved by two-thirds of the members elected to each house, the same shall be part of the law, notwithstanding the objections of the Governor. All the provisions of this section, in relation to bills not approved by the Governor, shall apply in cases in which he shall withhold his approval from any item or items contained in a bill appropriating money.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Governor to approve or veto bills within ten days

§ 9. (Proposal to add the following:) *The governor shall sign any bill after passing both houses within ten days, and if he fails to sign any bill after ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, and the governor must sign or veto any bill that has passed both houses within ten days after being presented to him for his approval or veto, and he cannot return to the legislature while in session any bill after its passage by both houses unless he has approved or vetoed such bill, subject to his recommendation for an amendment to the bill. The legislature shall refuse to accept any bills from the governor that has passed both houses for an extension of time for the governor to approve or veto the same while the legislature is in session, unless the governor desires an amendment to the bill.*

1908. A. No. 2134 (Int. 1493).

A. J. 1735.

2. Initiative and referendum

(For proposed amendment to this and other sections providing for the initiative and the referendum, see p. 271.)

3. Initiative, referendum and recall

(For proposed amendment to this and other sections providing for the initiative, the referendum, and the recall of elective officers, see p. 293.)

Article V, § 1

ARTICLE V

§ 1. The Secretary of State, Comptroller, Treasurer, Attorney-General and State Engineer and Surveyor shall be chosen at a general election at the times and places of electing the Governor and Lieutenant-Governor, and shall hold their offices for two years, except as provided in section two of this article. Each of the officers in this article named, excepting the Speaker of the Assembly, shall at stated times during his continuance in office, receive for his services a compensation which shall not be increased or diminished during the term for which he shall have been elected; nor shall he receive to his use any fees or perquisites of office or other compensation. No person shall be elected to the office of State Engineer and Surveyor who is not a practical civil engineer.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Making certain state officers elective

§ 1. The secretary of state, comptroller, treasurer, attorney-general [and], state engineer and surveyor, *superintendent of banks, superintendent of insurance and a railroad commissioner* shall be chosen at a general election, at the times and places of electing the governor and lieutenant-governor, and shall hold their offices for two years, except as provided in section two of this article. Each of the officers in this article named, excepting the speaker of the assembly, shall, at stated times during his continuance in office, receive for his services a compensation which shall not be increased or diminished during the term for which he shall have been elected; nor shall he receive to his use any fees or *perquisites of office or other compensation. No person shall be elected to the office of state engineer and surveyor who is not a practical civil engineer.

1906. A. No. 265 (Int. 265).
A. J. 91.

2. Short ballot

(For proposed amendment to this and other sections providing for the short ballot, see p. 322.)

3. Terms and salaries of members of legislature, governor and Lieutenant-governor — short ballot

(For proposed amendment to this and other sections changing the terms and salaries of the members of the legislature, governor and lieutenant-governor and providing for the short ballot, see p. 319.)

* So in original.

§ 2. The first election of the Secretary of State, Comptroller, Treasurer, Attorney-General and State Engineer and Surveyor, pursuant to this article shall be held in the year one thousand eight hundred and ninety-five, and their terms of office shall begin on the first day of January following, and shall be for three years. At the general election in the year one thousand eight hundred and ninety-eight, and every two years thereafter, their successors shall be chosen for the term of two years.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Short ballot

(For proposed amendment to this and other sections providing for the short ballot, see p. 322.)

2. Terms and salaries of members of legislature, governor and lieutenant-governor — short ballot

(For proposed amendment to this and other sections changing the terms and salaries of the members of the legislature, governor and lieutenant-governor and providing for the short ballot, see p. 319.)

§ 3. A Superintendent of Public Works shall be appointed by the Governor, by and with the advice and consent of the Senate, and hold his office until the end of the term of the Governor by whom he was nominated, and until his successor is appointed and qualified. He shall receive a compensation to be fixed by law. He shall be required by law to give security for the faithful execution of his office before entering upon the duties thereof. He shall be charged with the execution of all laws relating to the repair and navigation of the canals, and also of those relating to the construction and improvement of the canals, except so far as the execution of the laws relating to such construction or improvement shall be confided to the State Engineer and Surveyor; subject to the control of the Legislature, he shall make the rules and regulations for the navigation or use of the canals. He may be suspended or removed from office by the Governor, whenever, in his judgment, the public interest shall so require; but in case of the removal of such Superintendent of Public Works from office, the Governor shall file with the Secretary of State a statement of the cause of such removal, and shall report such removal and the cause thereof to the Legislature at its next session. The superintendent of Public Works shall appoint not more than three assistant superintendents, whose duties shall be prescribed by him, subject to modification by the Legislature,

and who shall receive for their services a compensation to be fixed by law. They shall hold their office for three years, subject to suspension or removal by the Superintendent of Public Works, whenever, in his judgment, the public interest shall so require. Any vacancy in the office of any such assistant superintendent shall be filled for the remainder of the term for which he was appointed, by the Superintendent of Public Works; but in case of the suspension or removal of any such assistant superintendent by him, he shall at once report to the Governor, in writing, the cause of such removal. All other persons employed in the care and management of the canals, except collectors of tolls, and those in the department of the State Engineer and Surveyor, shall be appointed by the Superintendent of Public Works, and be subject to suspension or removal by him. The Superintendent of Public Works shall perform all the duties of the former Canal Commissioners, and Board of Canal Commissioners, as now declared by law, until otherwise provided by the Legislature. The Governor, by and with the advice and consent of the Senate, shall have power to fill vacancies in the office of Superintendent of Public Works; if the Senate be not in session, he may grant commissions which shall expire at the end of the next succeeding session of the Senate.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Short ballot

(For proposed amendment to this and other sections providing for the short ballot, see p. 322.)

2. Terms and salaries of members of legislature, governor and lieutenant-governor — short ballot

(For proposed amendment to this and other sections changing the terms and salaries of the members of the legislature, governor and lieutenant-governor and providing for the short ballot, see p. 319.)

§ 4. A Superintendent of State Prisons shall be appointed by the Governor, by and with the advice and consent of the Senate, and hold his office for five years, unless sooner removed; he shall give security in such amount, and with such sureties as shall be required by law for the faithful discharge of his duties; he shall have the superintendence, management and control of state prisons, subject to such laws as now exist or may hereafter be enacted; he shall appoint the agents, wardens, physicians and chaplains of the prisons. The agent and warden of each prison

shall appoint all other officers of such prison, except the clerk, subject to the approval of the same by the Superintendent. The Comptroller shall appoint the clerks of the prisons. The Superintendent shall have all the powers and perform all the duties not inconsistent herewith, which were formerly had and performed by the inspectors of State Prisons. The Governor may remove the Superintendent for cause at any time, giving to him a copy of the charges against him, and an opportunity to be heard in his defense.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Short ballot

(For proposed amendment to this and other sections providing for the short ballot, see p. 322.)

2. Terms and salaries of members of legislature, governor and lieutenant-governor — short ballot

(For proposed amendment to this and other sections changing the terms and salaries of the members of the legislature, governor and lieutenant-governor and providing for the short ballot, see p. 319.)

§ 5. The Lieutenant-Governor, Speaker of the Assembly, Secretary of State, Comptroller, Treasurer, Attorney-General and State Engineer and Surveyor shall be the commissioners of the land office. The Lieutenant-Governor, Secretary of State, Comptroller, Treasurer and Attorney-General shall be the commissioners of the canal fund. The canal board shall consist of the commissioners of the canal fund, the State Engineer and Surveyor and the Superintendent of Public Works.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Short ballot

(For proposed amendment to this and other sections providing for the short ballot, see p. 322.)

2. Terms and salaries of members of legislature, governor and lieutenant-governor — short ballot

(For proposed amendment to this and other sections changing the terms and salaries of the members of the legislature, governor and lieutenant-governor and providing for the short ballot, see p. 319.)

§ 6. The powers and duties of the respective boards, and of the several officers in this article mentioned, shall be such as now are or hereafter may be prescribed by law.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Short ballot

(For proposed amendment to this and other sections providing for the short ballot, see p. 322.)

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2. Terms and salaries of members of legislature, governor and Lieutenant-governor — short ballot

(For proposed amendment to this and other sections changing the terms and salaries of the members of the legislature, governor and lieutenant-governor and providing for the short ballot, see p. 319.)

§ 7. The Treasurer may be suspended from office by the Governor, during the recess of the Legislature, and until thirty days after the commencement of the next session of the Legislature, whenever it shall appear to him that such Treasurer has, in any particular, violated his duty. The Governor shall appoint a competent person to discharge the duties of the office during such suspension of the Treasurer.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Short ballot

(For proposed amendment to this and other sections providing for the short ballot, see p. 322.)

2. Terms and salaries of members of legislature, governor and Lieutenant-governor — short ballot

(For proposed amendment to this and other sections changing the terms and salaries of the members of the legislature, governor and lieutenant-governor and providing for the short ballot, see p. 319.)

§ 8. All offices for the weighing, gauging, measuring, culling or inspecting any merchandise, produce, manufacture or commodity whatever, are hereby abolished; and no such office shall hereafter be created by law; but nothing in this section contained shall abrogate any office created for the purpose of protecting the public health or the interests of the State in its property, revenue, tolls or purchases, or of supplying the people with correct standards of weights and measures, or shall prevent the creation of any office for such purposes hereafter.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Short ballot

(For proposed amendment to this and other sections providing for the short ballot, see p. 322.)

2. Terms and salaries of members of the legislature, governor and lieutenant-governor — short ballot

(For proposed amendment to this and other sections changing the terms and salaries of the members of the legislature, governor and lieutenant-governor and providing for the short ballot, see p. 319.)

§ 9. Appointments and promotions in the civil service of the State, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained, so far as practicable, by examinations, which, so far as

practicable, shall be competitive; provided, however, that honorably discharged soldiers and sailors from the army and navy of the United States in the late civil war, who are citizens and residents of this State, shall be entitled to preference in appointment and promotion, without regard to their standing on any list from which such appointment or promotion may be made. Laws shall be made to provide for the enforcement of this section.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Preference to veterans of Spanish-American war

§ 9. Appointments and promotions in the civil service of the state, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive; provided, however, that honorably discharged soldiers and sailors from the army and navy of the United States in the late civil war, *or of the war with Spain*, who are citizens and residents of this state, shall be entitled to preference in appointment and promotion, without regard to their standing on any list from which such appointment or promotion may be made. Laws shall be made to provide for the enforcement of this section.

1899. A. No. 2177 (Int. 1532).
A. J. 2355.

§ 9. Appointments and promotions in the civil service of the state, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive; provided, however, that honorably discharged soldiers and sailors from the army and navy of the United States in the late civil war *or in the late Spanish-American war*, who are citizens and residents of this state, shall be entitled to preference in appointment and promotion, without regard to their standing on any list from which such appointment or promotion may be made. Laws shall be made to provide for the enforcement of this section.

1901. S. No. 901 (Int. 700). (Same as A. No. 1522.) To A.
S. J. 605, 806, 975, 1051, 1062.
A. J. 2276.
A. No. 1522 (Int. 1181). (Same as S. No. 901.)
A. J. 1326.

1902. S. No. 247 (Int. 229).
S. J. 89.

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§ 9. Appointments and promotions in the civil service of the state, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive; provided, however, that honorably discharged soldiers and sailors from the army and navy of the United States in the late civil war who are citizens and residents of this state, shall be entitled to preference in appointment and promotion, without regard to their standing on any list from which such appointment or promotion may be made[.]; *and that, subject to the prior preference accorded to honorably discharged soldiers and sailors from the army and navy of the United States in the late civil war, honorably discharged soldiers and sailors from the army and navy of the United States in the late Spanish American war, who at the time of their several enlistments were citizens or residents of this state shall be entitled to a like preference in appointment and promotion.* Laws shall be made to provide for the enforcement of this section.

1902. A. No. 1269 (Int. 13).
A. J. 38, 1035.

§ 9. Appointments and promotions in the civil service of the state, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive; provided, however, that [honorably] *honorable* discharged soldiers and sailors from the army and navy of the United States in the late civil war *and Spanish-American war*, who are citizens and residents of this state, shall be entitled to preference in appointment and promotion without regard to their standing on any list from which such appointment or promotion may be made. Laws shall be made to provide for the enforcement of this section.

1907. A. No. 1633 (Int. 1321).
A. J. 1080.

2. Additional percentage on ratings of certain discharged soldiers, sailors and marines

§ 9. Appointments and promotions in the civil service of the state, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained [so] as far as practicable, by examinations, which, [so] as far

as practicable, shall be competitive; provided, however, that honorably discharged soldiers, [and] sailors and marines from the army and navy of the United States [in the late civil war], who belong to the following classes, and who are citizens and residents of this state, shall be entitled to preference in appointment and promotion[], without regard to their standing on any list from which such appointment or promotion may be made. Laws shall be made to provide for the enforcement of this section.] in the following manner and order:

1. Veterans of the late civil war, without regard to their standing on any list from which such appointments or promotions may be made.

2. Honorably discharged soldiers, sailors and marines from the army and navy of the United States, who were or shall be enlisted from this state, and who were at the time of such enlistment actual residents of this state, or who shall have been residents of this state for a period of five years prior to their making application for examination, shall be entitled to and shall receive an additional ten points on their rating, after they shall have been placed on any eligible list for appointment or promotion.

1908. S. No. 560 (Int. 489). (Same as A. No. 1010.)

S. J. 247.

A. No. 1010 (Int. 856). (Same as S. No. 560.)

A. J. 460.

§ 9. Appointments and promotions in the civil service of the state, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained, so far as practicable, by examinations, which, so far as practicable shall be competitive; provided, however, that honorably discharged soldiers and sailors from the army and navy of the United States in the late civil war, who are citizens and residents of this state, shall be entitled to preference in appointment and promotion, without regard to their standing on any list from which such appointment or promotion may be made[]; and provided that a percentage of ten per centum shall be added to the ratings received on said examination, by honorably discharged soldiers, sailors and marines, for the army, navy and marine corps of the United States, who served during the late war with Spain or the incidental insurrection in the Philippine Islands or the Boxer insurrection in China prior to July fourth, nineteen hundred and two, who are citizens and were, at the time

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of enlistment, residents of the state, after they shall have been placed on any eligible list for appointment or promotion. Laws shall be made to provide for the enforcement of this section.

1908. A. No. 1799 (Int. 447).

A. J. 133, 1070, 1271, 1490, 1510.

§ 9. Appointments and promotions in the civil service of the state, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive; provided, however, that honorably discharged soldiers and sailors from the army and navy of the United States in the late civil war, who are citizens and residents of this state, shall be entitled to preference in appointment and promotion, without regard to their standing, on any list from which such appointment or promotion may be made[.]; and provided that honorably discharged soldiers, sailors and marines from the army and navy of the United States who served during the late war with Spain, the incidental insurrection in the Philippines, or the boxer uprising in China, prior to July fourth, nineteen hundred and two, and who are citizens, and shall have been residents of this state for a period of five years prior to their making applications for said examination, shall receive an additional ten points on their rating, after they shall have been placed on any eligible list for appointment or promotion. Laws shall be made to provide for the enforcement of this section.

1909. S. No. 438 (Int. 403). (Same as A. No. 747.)

S. J. 261.

A. No. 747 (Int. 696). (Same as S. No. 438.)

A. J. 415.

3. Preference to certain discharged soldiers, sailors and marines

§ 9. Appointments and promotions in the civil service of the state, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive; provided, however, that honorably discharged soldiers and sailors from the army and navy of the United States in the late civil war, or who have been honorably discharged after a three years service as such, soldiers or sailors or as marines, or who have served as such soldiers, sailors or marines, in the late Spanish-American war, or in the wars in the

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Philippines or in China, who are citizens and residents of this state, shall be entitled to preference in appointment and promotion, without regard to their standing on any list from which such appointment or promotion may be made[.], *except that the honorably discharged soldiers and sailors from the army and navy of the United States in the late civil war shall have the first preference under the provisions of this article.* Laws shall be made to provide for the enforcement of this section.

1901. A. No. 2084 (Int. 1460).

A. J. 2151.

§ 9. Appointments and promotions in the civil service of the state, and of [all] the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive; provided, however, that honorably discharged soldiers and sailors *and marines* from the army and navy of the United States [in the late civil war], who are citizens and residents of this state, shall be entitled to preference in appointment and promotion without regard to their standing on any list from which such appointment or promotion may be made in the following order:

1. *Veterans of the late civil war.*

2. *Veterans of the late war with Spain, or the incidental insurrection in the Philippine islands, or the Boxer insurrection in China.*

3. *All other honorably discharged soldiers, sailors and marines from the army and navy of the United States, who shall have completed at least one full term of enlistment, or who shall have been discharged for disability.* Laws shall be made to provide for the enforcement of this section.

1906. S. No. 377 (Int. 344). (Same as A. No. 1564.)

S. J. 151.

A. No. 1564 (Int. 1227). (Same as S. No. 377.)

A. J. 1092.

4. Preference to veterans of Spanish-American war and Philippine insurrection

§ 9. Appointments and promotions in the civil service of the state, and of [all] the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained, so far as practicable, by examinations, which, so far as

practicable, shall be competitive; provided, however, that honorably discharged soldiers and sailors from the army and navy of the United States in the late civil war, *or in the late Spanish-American war, or in the Philippine insurrection*, who are citizens and residents of this state, shall be entitled to preference in appointment and promotion without regard to their standing on any list from which such appointment or promotion may be made. Laws shall be made to provide for the enforcement of this section.

1908. S. No. 159 (Int. 151).

S. J. 53.

§ 9. Appointments and promotions in the civil service of the state, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained so far as practicable, by examinations, which, so far as practicable, shall be competitive; provided, however, that honorably discharged soldiers and sailors from the army and navy of the United States in the late civil war, *and Spanish-American and the Philippine wars* [Spanish-American war*] who are citizens and residents of this state, shall be entitled to preference in appointment and promotion without regard to their standing on any list from which such appointment or promotion may be made. Laws shall be made to provide for the enforcement of this section.

1908. A. No. 1329 (Int. 72).

A. J. 41, 527, 738.

1909. A. No. 338 (Int. 331). (Same as A. No. 1243.)

A. J. 188.

A. No. 1243 (Int. 1089). (Same as A. No. 338.)

A. J. 705.

5. Preference to veterans of Spanish-American war and Boxer and Philippine insurrections

§ 9. Appointments and promotions in the civil service of the state, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive; provided, however, that honorably discharged soldiers, [and] sailors *and marines* from the army and navy of the United States, [in the late civil war] *who belong to the following classes, and* who are citizens and residents of this state, shall be entitled to preference in appointment and promotion without regard to their standing on any list from

* So in original.

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which such appointment or promotion may be made[.] in the following order:

First. Veterans of the late civil war.

Second. Veterans of the late war with Spain or the incidental insurrection in the Philippine Islands, or the Boxer insurrection in China, who served prior to July fourth, nineteen hundred and two.

Laws shall be made to provide for the enforcement of this section.

1908. A. No. 85 (Int. 85).
A. J. 43.

6. Additional percentage on ratings of Spanish-American war veterans

§ 9. Appointments and promotions in the civil service of the state, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive; provided, however, that honorably discharged soldiers and sailors from the army and navy of the United States in the late civil war, who are citizens and residents of this state, shall be entitled to preference in appointment and promotion, without regard to their standing on any list from which such appointment or promotion may be made[.]; and provided that a percentage of ten per centum shall be added to the ratings received on said examinations, by honorably discharged soldiers, sailors and marines, from the army, navy and marine corps of the United States, who served during the late war with Spain, who are citizens and were, at the time of enlistment, residents of the state, after they shall have been placed on any eligible list for appointment or promotion. Laws shall be made to provide for the enforcement of this section.

1908. S. No. 806 (Int. 217). To A. Amended, A. No. —.*
S. J. 73, 441, 534, 627, 647, 1135.
A. J. 2266, 2457, 2465, 2498.

7. Preference to civil war veterans who were residents of state at time of enlistment

§ 9. Appointments and promotions in the civil service of the state, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained, so far as practicable, by examinations which, so far as

* S. No. 806 (Int. 217), as amended in the assembly, was apparently never reprinted.

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practicable, shall be competitive; provided, however, that honorably discharged soldiers and sailors from the army and navy of the United States in the late civil war, who are citizens and residents of this state, *and who, at the time of enlistment were citizens and residents of this state*, shall be entitled to preference in appointment and promotion without regard to their standing on any list from which such appointment or promotion may be made. Laws shall be made to provide for the enforcement of this section.

1899. A. No. 47 (Int. 47).
A. J. 62.

8. Preference to veterans according to date of wars

§ 9. Appointments and promotions in the civil service of the state, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive; provided, however, that honorably discharged soldiers and sailors from the army and navy of the United States **[in the late civil]** *who served in any war*, and who are citizens and residents of this state, shall be entitled to preference in appointment and promotion, *according to the opening date of the war in which they served*, without other regard to their standing on any list from which such appointment or promotion may be made. Laws shall be made to provide for the enforcement of this section.

1912. A. No. 826 (Int. 769).
A. J. 299.

9. Preference to certain discharged soldiers, sailors and marines and exempt volunteer firemen

§ 9. Appointments and promotions in the civil service of the state, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive; provided, however, that honorably discharged soldiers and sailors from the army and navy of the United States in the late civil war, who are citizens and residents of this state, shall be entitled to preference in appointment and promotion, without regard to their standing on any list from which such appointment or promotion may be

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made. *All the rights conferred by this section, whether by implication or otherwise, upon honorably discharged soldiers, sailors and marines of the late civil war, so far as such rights limit the power of removal of such honorably discharged soldier, sailor or marine are hereby expressly conferred upon all honorably discharged soldiers, sailors or marines of the late war with Spain, or the incidental insurrection in the Philippines prior to July fourth, nineteen hundred and two, and exempt volunteer firemen holding positions by appointment or employment in the public service. The rights of honorably discharged soldiers, sailors and marines of the late civil war, however, shall at all times take precedence. In case the position so held by any such honorably discharged soldier, sailor or marine of the late civil war or the late war with Spain or the incidental insurrection in the Philippines prior to July fourth, nineteen hundred and two, or exempt volunteer firemen shall become unnecessary or be abolished for economy, lack of work, insufficient funds or otherwise, the said honorably discharged soldier, sailor or marine of the late civil war or the late war with Spain or incidental insurrection in the Philippines prior to July fourth, nineteen hundred and two, or exempt volunteer firemen holding the same shall not be suspended or dismissed from the public service but shall at once be assigned or transferred to another position in the public service, and his salary shall not be impaired. Appropriate laws [Laws] shall be made to provide for the enforcement of this section.*

1913. A. No. 911 (Int. 868).

A. J. 338.

10. Preference to war veterans and certain civil service employees

§ 9. Appointments and promotions in the civil service of the state, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive; provided, however, that honorably discharged soldiers and sailors from the army and navy of the United States [in the late civil war,] *who served in any war in which the United States was engaged or employees who have served ten years in the civil service in the state of New York or any political division thereof and who are citizens and residents of this state, shall be entitled to preference in appointment, retention and promotion, without other regard to their standing on*

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any list from which such appointment or promotion may be made. Laws shall be made to provide for the enforcement of this section.

1913. A. No. 2722 (Int. 17).

A. J. 35, 1375, 2567.

1914. S. No. 1023 (Int. 918).

S. J. 320.

11. Abolition of civil service

(The following proposals to repeal Art. V, § 9, were introduced.)

1900. A. No. 1347 (Int. 1107).

A. J. 857.

1901. A. No. 1021 (Int. 871).

A. J. 656.

1906. S. No. 1294 (Int. 949). (Same as A. No. 2269.)

S. J. 1150.

A. No. 2269 (Int. 1600). (Same as S. No. 1294.)

A. J. 2289.

12. Short ballot

(For proposed amendment to this and other sections providing for the short ballot, see p. 322.)

13. Terms and salaries of members of legislature, governor and lieutenant-governor — short ballot

(For proposed amendment to this and other sections changing the terms and salaries of members of the legislature, governor and lieutenant-governor and providing for the short ballot, see p. 319.)

ARTICLE VI

Section 1. The Supreme Court is continued with general jurisdiction in law and equity, subject to such appellate jurisdiction of the Court of Appeals as now is or may be prescribed by law not inconsistent with this article. The existing judicial districts of the State are continued until changed as hereinafter provided. The Supreme Court shall consist of the Justices now in office, and of the Judges transferred thereto by the fifth section of this article, all of whom shall continue to be Justices of the Supreme Court during their respective terms, and of twelve additional Justices who shall reside in, and be chosen by the electors of, the several existing judicial districts, three in the first district, three in the second, and one in each of the other districts; and of their successors. The successors of said Justices shall be chosen by the electors of their respective judicial districts. The Legislature may alter the judicial districts once after every enumeration under the Constitution, of the inhabitants of the State, and thereupon reapportion the Justices to be thereafter elected in the districts so altered.

AMENDMENT SUBMITTED TO THE PEOPLE AND ADOPTED

§ 1. The Supreme Court is continued with general jurisdiction in law and equity, subject to such appellate jurisdiction of the Court of Appeals as now is or may be prescribed by law not inconsistent with this article. The existing judicial districts of the State are continued until changed as hereinafter provided. The Supreme Court shall consist of the Justices now in office, and of the Judges transferred thereto by the fifth section of this article, all of whom shall continue to be Justices of the Supreme Court during their respective terms, and of twelve additional Justices who shall reside in, and be chosen by the electors of, the several existing judicial districts, three in the first district, three in the second, and one in each of the other districts; and of their successors. The successors of said Justices shall be chosen by the electors of their respective judicial districts. The Legislature may alter the judicial districts once after every enumeration under the Constitution, of the inhabitants of the State, and thereupon reapportion the Justices to be thereafter elected in the districts so altered. The legislature may from time to time increase the number of justices in any judicial district, except that the number of justices in the first and second district or in any of the districts into which the second district may be divided, shall not be increased to exceed one justice for each eighty-thousand, or fraction over forty thousand of the population thereof, as shown by the last state, or federal census or enumeration, and except that the number of justices in any other district shall not be increased to exceed one justice for each sixty thousand or fraction over thirty-five thousand of the population thereof as shown by the last state or federal census or enumeration. The legislature may erect out of the second judicial district as now constituted, another judicial district and apportion the justices in office between the districts, and provide for the election of additional justices in the new district not exceeding the limit herein provided.

1902. S. No. 798 (Int. 329). (Same as A. No. 1346.) To Sec. of State.
S. J. 164, 241, 528, 627, 740, 767, 768, 1434, 1435.
A. J. 1329, 1663, 1738, 2009, 2080, 2955.
A. No. 1346 (Int. 1039). (Same as S. No. 798.)
A. J. 1087.

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1903. S. No. 1124 (Int. 12). To A. Amended, A. No. 2113. (Same as A. No. 897.) To Sec. of State.
S. J. 16, 74, 984, 1169, 1232, 1247, 1508, 1566.
A. J. 2646, 2780, 2994.
A. No. 897 (Int. 764). (Same as A. No. 2113, amended form of S. No. 1124.)
A. J. 466.
Adopted Nov. 7, 1905.
Vote: for 297,893; against 133,999.
- *1904. S. No. 1003 (Int. 773). (Same as A. No. 1410.) To A.
S. J. 716, 1015, 1185, 1238.
A. No. 1410 (Int. 1083). (Same as S. No. 1003.)
A. J. 1054.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE**1. Additional supreme court justices — new judicial district**

§ 1. (Proposal to add the following:) *The legislature may from time to time increase the number of justices in any judicial district except that the number of justices in the first and second district or in any of the districts into which the second district may be divided, shall not be increased to exceed one justice for each eighty thousand, or fraction over forty thousand of the population thereof, as shown by the first† state, or federal census or enumeration, and except that the number of justices in any other district shall not be increased to exceed one justice for each sixty thousand or fraction over thirty-five thousand of the population thereof as shown by the last state or federal census or enumeration. The legislature may erect out of the second judicial district as now constituted, another judicial district and apportion the justices in office between the districts, and provide for the election of additional justices in the new district not exceeding the limit herein provided.*

1905. A. No. 295 (Int. 295).
A. J. 116.

2. Additional justices for supreme court and court of appeals

§ 1. (Proposal to add the following:) *The legislature may at any time, when it deems that the public interests requires it,*

* The purpose of this concurrent resolution was to change the year of submission of the above amendment as appears by section two thereof which reads as follows:

“ § 2. Resolved (if the senate concur), that section two of said concurrent resolution be and the same hereby is amended so as to read as follows, namely:

‘ § 2. Resolved (if the assembly concur), that the foregoing amendment be submitted to the people for approval at the general election to be held in the year nineteen hundred and [five] four in accordance with the provisions of the election law.’ ”

† This proposed amendment is like the amendment adopted in 1905 with the exception that the word “first” is here substituted for the word “last” in the adopted amendment. It is probable that this is a clerical error.

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increase the number of justices of the supreme court or of judges of the court of appeals as it sees fit, provided that the total number of judges of the court of appeals shall not exceed eleven, and provided also that any bill increasing the number of justices or judges as aforesaid shall receive the assent of two-thirds of the members elected to each branch of the legislature.

1904. S. No. 195 (Int. 189). (Same as A. No. 253.) To Sec. of State.

S. J. 61, 637, 1160, 1256, 1501, 1691.

A. J. 2575, 2656, 2685.

A. No. 253 (Int. 246). (Same as S. No. 195.)

A. J. 99.

1905. A. No. 283 (Int. 283).

A. J. 108.

3. Additional supreme court justices — assignment of justices

§ 1. The supreme court is continued with general jurisdiction in law and equity, subject to such appellate jurisdiction of the court of appeals as now is or may be prescribed by law not inconsistent with this article. The existing judicial districts of the state are continued until changed as hereinafter provided. The supreme court shall consist of the justices now in office, and of the judges transferred thereto by the fifth section of this article, all of whom shall continue to be justices of the supreme court during their respective terms, and of [twelve] *six* additional justices who shall reside in and be chosen by the electors of the [several existing] *first and second* judicial districts, three in the first district *and* three in the second [and one in each of the other districts] *district*. [and of their successors.] The successors of said justices shall be chosen by the electors of their respective judicial districts. The legislature may alter the judicial district[s] once after every enumeration under the constitution, of the inhabitants of the state, and thereupon reapportion the justices to be thereafter elected in the districts so altered.

1902. S. No. 451 (Int. 388). (Same as A. No. 657.)

S. J. 213.

A. No. 657 (Int. 585). (Same as S. No. 451.)

A. J. 331, 1051.

4. Increasing or diminishing justices of supreme court

§ 1. (Proposal to add the following:) *The legislature may from time to time increase or diminish the number of justices of the supreme court in any judicial district, whenever the appellate division of the supreme court for the department in which such district is comprised shall certify to the legislature that in their*

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opinion the public convenience requires an increase or decrease, as the case may be, in the number of justices in such district, provided that the term of office of a justice of the supreme court shall not be abridged by any decrease in the number of justices in any district.

1902. S. No. 862 (Int. 674). (Same as A. No. 1305.)

S. J. 650.

A. No. 1305 (Int. 1018). (Same as S. No. 862.)

A. J. 1028.

5. Trial commissioners to assist supreme court justices in any district

§ 1. (Proposal to add the following:) *Whenever and as often as there shall be such an accumulation of causes on the calendar of the trial term of the supreme court, in any of the several judicial districts, that the public interests require a more speedy disposition thereof, the appellate division of the supreme court in any of the several departments embracing said judicial district may certify such fact to the governor, together with a recommendation that he may designate as many persons to act as trial commissioners of the supreme court in such judicial district for a specified period, as the said appellate division may deem requisite. The governor shall thereupon designate the number of trial commissioners so recommended for the specified period. The persons so designated shall be attorneys and counsellors-at-law of at least fifteen years' standing, practicing and residing in the judicial district to which they are appointed. Their jurisdiction shall be limited to the trial of such actions and special proceedings, and the disposition of such business, upon the trial term calendars of the supreme court in said districts as may be assigned to them, and subject to such rules and regulations as shall be made with regard thereto, by said appellate division. Every such trial commissioner, when holding a trial term, shall exercise therein all the powers conferred by law upon trial justices of the supreme court in the trial of actions and special proceedings at trial term; and may settle a case upon appeal after the expiration of his specified term. For his services, each trial commissioner shall be paid while actually engaged under his designation, such sum monthly as shall be equal to the salary for a like period of a justice of the supreme court in the judicial district to which he shall be appointed and such compensation shall be paid to him in the same manner. Each of such trial commissioners may appoint such*

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attendants for the trial term to which he is assigned as may be necessary, not exceeding four; and all existing provisions of law relating to the appointment of clerks and stenographers for the parts and terms of the supreme court in the several judicial districts shall be applicable to the trial terms to which such trial commissioners may be assigned.

1900. S. No. 870 (Int. 716).

S. J. 547.

6. Trial commissioners to assist supreme court justices in first and second districts

§ 1. (Proposal to add the following:) *Whenever and as often as there shall be such an accumulation of causes on the calendar of the trial term of the supreme court, in the first and second judicial districts, that the public interests require a more speedy disposition thereof, the appellate division of the supreme court in the first and second departments may certify such fact to the governor, together with a recommendation that he may designate as many persons to act as trial commissioners of the supreme court in such judicial district for a specified period, as the said appellate division may deem requisite. The governor shall thereupon designate the number of trial commissioners so recommended for the specified period. The persons so designated shall be attorneys and counsellors-at-law of at least ten years' standing, practicing and residing in the judicial district to which they are appointed. Their jurisdiction shall be limited to the trial of such actions and special proceedings, and the disposition of such business, upon the trial term calendars of the supreme court in said district, as may be assigned to them, and subject to such rules and regulations as shall be made with regard thereto, by said appellate division. Every such trial commissioner, when holding a trial term, shall exercise therein all the powers conferred by law upon trial justices of the supreme court in the trial of actions and special proceedings at trial term; and may settle a case upon appeal after the expiration of his specified term. For his services, each trial commissioner shall be paid while actually engaged under his designation, such sum monthly as shall be equal to the salary for a like period of a justice of the supreme court in the first and second judicial district and such compensation shall be paid to him in the same manner. Each of such trial commissioners may appoint such attendants for the trial term to which he is assigned as may*

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be necessary, not exceeding four; and all existing provisions of law relating to the appointment of clerks and stenographers for the parts and terms of the supreme court in the first and second judicial districts shall be applicable to the trial terms to which such trial commissioners may be assigned.

1900. A. No. 1550 (Int. 685). To S.
A. J. 401, 1095, 1394, 1506, 1601, 1621, 1699.
S. J. 906.

7. Assignment of county judges to assist supreme court justices

§ 1. (Proposal to add the following:) *Whenever and as often as the number of causes upon the calendar of the trial term of the supreme court in any county shall exceed two thousand, the appellate division of the department embracing such county shall certify such fact to the governor, who shall thereupon designate such number of county judges, not exceeding ten, as he shall deem necessary, to act as justices of the supreme court for such time as he shall designate, but no longer than until the number of causes upon the said calendar shall have been reduced to two thousand, which fact shall thereupon be certified by such appellate division to the governor, and on the filing of said certificate such designations of county judges to serve as justices of the supreme court shall thereupon expire. The county judges so designated shall continue to act as county judges, except during the time for which they shall be so designated as justices of the supreme court. They shall receive the same compensation for their services as such justices as is paid to justices of the supreme court from other departments assigned to the county to which such county judges are designated, to be paid in the same manner. No county judge shall serve as justice of the supreme court except while holding the office of county judge, nor shall sit outside the county to which he shall be assigned.*

1902. S. No. 84 (Int. 84). (Same as A. No. 133.)
S. J. 29.
A. No. 133 (Int. 133). (Same as S. No. 84.)
A. J. 58.

§ 2. *The Legislature shall divide the State into four judicial departments. The first department shall consist of the county of New York; the others shall be bounded by county lines, and be compact and equal in population as nearly as may be. Once every ten years the Legislature may alter the judicial departments, but without increasing the number thereof.*

There shall be an Appellate Division of the Supreme Court, consisting of seven Justices in the first department, and of five Justices in each of the other departments. In each department four shall constitute a quorum, and the concurrence of three shall be necessary to a decision. No more than five Justices shall sit in any case.

From all the Justices elected to the Supreme Court the Governor shall designate those who shall constitute the Appellate Division in each department; and he shall designate the Presiding Justice thereof, who shall act as such during his term of office, and shall be a resident of the department. The other Justices shall be designated for terms of five years, or the unexpired portions of their respective terms of office, if less than five years. From time to time as the terms of such designations expire, or vacancies occur, he shall make new designations. He may also make temporary designations in case of the absence or inability to act, of any Justice in the Appellate Division. A majority of the Justices designated to sit in the Appellate Division in each department shall be residents of the department. Whenever the Appellate Division in any department shall be unable to dispose of its business within a reasonable time, a majority of the Presiding Justices of the several departments at a meeting called by the Presiding Justice of the department in arrears may transfer any pending appeals from such department to any other department for hearing and determination. No Justice of the Appellate Division shall exercise any of the powers of a Justice of the Supreme Court, other than those of a Justice out of court, and those pertaining to the Appellate Division or to the hearing and decision of motions submitted by consent of counsel. From and after the last day of December, eighteen hundred and ninety-five, the Appellate Division shall have the jurisdiction now exercised by the Supreme Court at its General Terms, and by the General Terms of the Court of Common Pleas for the City and County of New York, the Superior Court of the City of New York, the Superior Court of Buffalo and the City Court of Brooklyn, and such additional jurisdiction as may be conferred by the Legislature. It shall have power to appoint and remove a reporter.

The Justices of the Appellate Division in each department shall have power to fix the times and places for holding Special and Trial Terms therein, and to assign the Justices in the departments to hold such terms; or to make rules therefor.

AMENDMENTS SUBMITTED TO THE PEOPLE AND ADOPTED

§ 2. The legislature shall divide the state into four judicial departments. The first department shall consist of the county of New York; the others shall be bounded by county lines, and be compact and equal in population as nearly as may be. Once every ten years the legislature may alter the judicial departments, but without increasing the number thereof. There shall be an appellate division of the supreme court, consisting of seven justices in the first department, and of five justices in each of the other departments. In each department four shall constitute a quorum, and the concurrence of three shall be necessary to a decision. No more than five justices shall sit in any case. From all the justices elected to the supreme court the governor shall designate those who shall constitute the appellate division in each department; and he shall designate the presiding justice thereof, who shall act as such during his term of office, and shall be a resident of the department. The other justices shall be designated for terms of five years or the unexpired portions of their respective terms of office, if less than five years. From time to time as the terms of such designations expire, or vacancies occur, he shall make new designations. A majority of the justices so designated to sit in the appellate division in each department shall be residents of the department. He may also make temporary designations in case of the absence or inability to act of any justice in the appellate division[.] [A majority of the justices designated to sit in the appellate division in each department shall be residents of the departments.], or in case the presiding justice of any appellate division shall certify to him that one or more additional justices are needed for the speedy disposition of the business before it. Whenever the appellate division in any department shall be unable to dispose of its business within a reasonable time, a majority of the presiding justices of the several departments at a meeting called by the presiding justice of the department in arrears may transfer any pending appeals from such department to any other department for hearing and determination. No justice of the appellate division shall exercise any of the powers of a justice of the supreme court, other than those of a justice out of court, and

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those pertaining to the appellate division or to the hearing and decision of motions submitted by consent of counsel. From and after the last day of December, eighteen hundred and ninety-five, the appellate division shall have the jurisdiction now exercised by the supreme court at its general terms and by the general terms of the court of common pleas for the city and county of New York, the superior court of the city of New York, the superior court of Buffalo and the city court of Brooklyn, and such additional jurisdiction as may be conferred by the legislature. It shall have power to appoint and remove a reporter. The justices of the appellate division in each department shall have power to fix the times and places for holding special and trial terms therein, and to assign the justices in the departments to hold such terms; or to make rules therefor.

1898. S. No. 150 (Int. 146). To Sec. of State.

S. J. 71, 210, 264, 274, 280, 1117.

A. J. 652, 2037, 2084, 2156, 2158.

1899. S. No. 1313 (Int. 919). (Same as A. No. 2115.) To Sec. of State.

S. J. 933, 1119, 1199, 1209, 1327, 1332, 1334, 1393.

A. J. 2670.

A. No. 2115 (Int. 1328). (Same as S. No. 1313.)

A. J. 1501, 1726, 2044, 2114, 2116, 2211, 2242, 2275, 2277. To S.

S. J. 1259.

Adopted Nov. 7, 1899.

Vote: for, 283,880; against, 137,408.

§ 2. The legislature shall divide the state into four judicial departments. The first department shall consist of the county of New York; the others shall be bounded by county lines, and be compact and equal in population as nearly as may be. Once every ten years the legislature may alter the judicial departments, but without increasing the number thereof. There shall be an appellate division of the supreme court, consisting of seven justices in the first department, and of five justices in each of the other departments. In each department four shall constitute a quorum, and the concurrence of three shall be necessary to a decision. No more than five justices shall sit in any case. From all the justices elected to the supreme court the governor shall designate those who shall constitute the appellate division in each department; and he shall designate the presiding justice thereof, who shall act as such during his term of office, and shall be a resident of the department. The other justices shall be designated for terms of five years or the unexpired portions of their respective terms of office, if less than five years. From time to time as the terms of such designations expire, or vacancies

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occur, he shall make new designations. A majority of the justices so designated to sit in the appellate division, in each department shall be residents of the department. He may also make temporary designations in case of the absence or inability to act of any justice in the appellate division, or in case the presiding justice of any appellate division shall certify to him that one or more additional justices are needed for the speedy disposition of the business before it. Whenever the appellate division in any department shall be unable to dispose of its business within a reasonable time, a majority of the presiding justices of the several departments at a meeting called by the presiding justice of the department in arrears may transfer any pending appeals from such department to any other department for hearing and determination. No justice of the appellate division shall, within the department to which he may be designated to perform the duties of an appellate justice, exercise any of the powers of a justice of the supreme court, other than those of a justice out of court, and those pertaining to the appellate division, or to the hearing and decision of motions submitted by consent of counsel, but any such justice, when not actually engaged in performing the duties of such appellate justice in the department to which he is designated, may hold any term of the supreme court and exercise any of the powers of a justice of the supreme court in any county or judicial district in any other department of the state. From and after the last day of December, eighteen hundred and ninety-five, the appellate division shall have the jurisdiction now exercised by the supreme court at its general terms and by the general terms of the court of common pleas for the city and county of New York, the superior court of the city of New York, the superior court of Buffalo and the city of Brooklyn, and such additional jurisdiction as may be conferred by the legislature. It shall have power to appoint and remove a reporter. The justices of the appellate division in each department shall have power to fix the times and places for holding special [and trial] terms therein, and to assign the justices in the departments to hold such terms; or to make rules therefor.

1904. S. No. 991 (Int. 124). To Sec. of State.
S. J. 38, 639, 710, 732, 842, 869, 1420.
A. J. 1684, 1759, 1880, 2108, 2178.

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1905. S. No. 292 (Int. 272). To Sec. of State.

S. J. 111, 975, 1032, 1097, 1388.

A. J. 2152, 2427, 2518, 2591.

Adopted Nov. 7, 1905.

Vote: for, 288,277; against, 125,649.

AMENDMENT SUBMITTED TO THE PEOPLE BUT REJECTED

1. Taking power from appellate division to designate special terms, assign justices in department and make rules

§ 2. The legislature shall divide the state into four judicial departments. The first department shall consist of the county of New York; the others shall be bounded by county lines, and be compact and equal in population as nearly as may be. Once every ten years the legislature may alter the judicial departments, but without increasing the number thereof. There shall be an appellate division of the supreme court, consisting of seven justices in the first department, and of five justices in each of the other departments. In each department four shall constitute a quorum, and the concurrence of three shall be necessary to a decision. No more than five justices shall sit in any case. From all the justices elected to the supreme court the governor shall designate those who shall constitute the appellate division in each department; and he shall designate the presiding justice thereof, who shall act as such during his term of office, and shall be a resident of the department. The other justices shall be designated for terms of five years or the unexpired portions of their respective terms of office, if less than five years. From time to time as the terms of such designations expire, or vacancies occur, he shall make new designations. A majority of the justices so designated to sit in the appellate division in each department shall be residents of the department. He may also make temporary designations in case of the absence or inability to act of any justice in the appellate division, or in case the presiding justice of any appellate division shall certify to him that one or more additional justices are needed for the speedy disposition of the business before it. Whenever the appellate division in any department shall be unable to dispose of its business within a reasonable time, a majority of the presiding justices of the several departments at a meeting called by the presiding justice of the department in arrears may transfer any pending appeals from such department to any other department for hearing and determination. No justice of the appellate division shall, within the department to which he may be desig-

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nated to perform the duties of an appellate justice, exercise any of the powers of a justice of the supreme court, other than those of a justice out of court, and those pertaining to the appellate division, or to the hearing and decision of motions submitted by consent of counsel, but any such justice, when not actually engaged in performing the duties of such appellate justice in the department to which he is designated, may hold any term of the supreme court and exercise any of the powers of a justice of the supreme court in any county or judicial district in any other department of the state. From and after the last day of December, eighteen hundred and ninety-five, the appellate division shall have the jurisdiction now exercised by the supreme court at its general terms and by the general terms of the court of common pleas for the city and county of New York, the superior court of the city of New York, the superior court of Buffalo and the city of Brooklyn, and such additional jurisdiction as may be conferred by the legislature. It shall have power to appoint and remove a reporter. [The justices of the appellate division in each department shall have power to fix the times and places for holding special terms therein, and to assign the justices in the departments to hold such terms; or to make rules therefor.]

1909. S. No. 309 (Int. 291). (Same as A. No. 570.) To A.
S. J. 184, 992, 1041, 1227.
A. J. 2321.
A. No. 570 (Int. 536). (Same as S. No. 309.)
A. J. 317, 1507, 1597, 1654.
1910. S. No. 96 (Int. 96). (Same as A. No. 592.) To Sec. of State.
S. J. 39, 368, 381, 663, 1897, 1899.
A. J. 1481, 2935, 2947, 2980, 3069, 3225.
A. No. 592 (Int. 556). (Same as S. No. 96.)
A. J. 244.
1911. S. No. 176 (Int. 172). (Same as A. No. 358.) To Sec. of State.
S. J. 75, 213, 226, 240, 242, 534.
A. J. 526, 990, 1053, 1090.
A. No. 358 (Int. 351). (Same as S. No. 176.) To S.
A. J. 178, 662, 696, 702, 713, 755, 921.
S. J. 482.
Rejected Nov. 7, 1911.
Vote: for, 267,194; against, 352,830.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE**1. Designation of appellate division justices by court of appeals**

§ 2. The legislature shall divide the state into four judicial departments. The first department shall consist of the county of New York; the others shall be bounded by county lines, and be compact and equal in population as nearly as may be. Once every ten years the legislature may alter the judicial depart-

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ments but without increasing the number thereof. There shall be an appellate division of the supreme court, consisting of seven justices in the first department, and of five justices in each of the other departments. In each department four shall constitute a quorum, and the concurrence of three shall be necessary to a decision. No more than five justices shall sit in any case. From all the justices elected to the supreme court the [Governor] *court of appeals* shall designate those who shall constitute the appellate division in each department; and [he] *the court of appeals* shall designate the presiding justice thereof, who shall act as such during his term of office, and shall be a resident of the department. The other justices shall be designated for terms of five years or the unexpired portions of their respective terms of office, if less than five years. From time to time as the terms of such designations expire, or vacancies occur, [he] *the court of appeals* shall make new designations. A majority of the justices so designated to sit in the appellate division, in each department shall be residents of the department. [He] *The court of appeals* may also make temporary designations in case of the absence or inability to act of any justice in the appellate division, or in case the presiding justice of any appellate division shall certify to [him] *the court of appeals* that one or more additional justices are needed for the speedy disposition of the business before it. Whenever the appellate division in any department shall be unable to dispose of its business within a reasonable time, a majority of the presiding justices of the several departments at a meeting called by the presiding justice of the department in arrears may transfer any pending appeals from such department to any other department for hearing and determination. No justice of the appellate division shall exercise any of the powers of a justice of the supreme court, other than those of a justice out of court, and those pertaining to the appellate division or to the hearing and decision of motions submitted by consent of counsel. From and after the last day of December, eighteen hundred and ninety-five, the appellate division shall have the jurisdiction now exercised by the supreme court at its general terms and by the general terms of the court of common pleas for the city and county of New York, the superior court of the city of New York, the superior court of Buffalo and the city of Brooklyn, and such additional jurisdiction as may be conferred by the legislature. It shall have power to appoint and remove a re-

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porter. The justices of the appellate division in each department shall have power to fix the times and places for holding special and trial terms therein, and to assign the justices in the departments to hold such terms; or to make rules therefor.

1903. S. No. 71 (Int. 71). (Same as A. No. 21.)

S. J. 35.

A. No. 21 (Int. 21). (Same as S. No. 71.)

A. J. 35.

1904. A. No. 379 (Int. 176).

A. J. 85, 162.

1905. S. No. — (Int. —).*

A. J. 55.

2. Designation of appellate division justices by court of appeals — appointment of extra special or trial terms

§ 2. The legislature shall divide the state into four judicial departments. The first department shall consist of the county of New York; the others shall be bounded by county lines, and be compact and equal in population as nearly as [may] can be. Once every ten years the legislature may alter the judicial departments, but without increasing the number thereof. There shall be an appellate division of the supreme court, consisting of seven justices in the first department, and of five justices in each of the other departments. In each department four shall constitute a quorum and the concurrence of three shall be necessary to a decision. No more than five justices shall sit in any case. From all the justices elected to the supreme court the [governor] court of appeals shall designate those who shall constitute the appellate division in each department and [he] shall designate [the] a presiding justice thereof, who shall act as such during his term of office and shall be a resident of the department. The other justices shall be designated for terms of five years or the unexpired portion[s] of their respective terms of office, if less than five years. From time to time as the term[s] of such designations expire, or vacancies occur, [he] it shall make new designations. A majority of the justices so designated to sit in the appellate division, in each department shall be residents of the department. [He may also make temporary designations in case of the absence or inability to act of any justice in the appellate division, or in case the presiding justice of any appellate division shall certify to him that one or more additional justices are needed for the speedy disposition of the

* Proposed constitutional amendment referred to in A. J. 55 apparently not printed.

business before it.】 *In case of the absence or inability to act of any justice in the appellate division the presiding justice of such appellate division shall make a temporary designation of some justice in the department to act in the place and stead of such absent or incapacitated justice.* Whenever the appellate division in any department shall be unable to dispose of its business within a reasonable time, a majority of the presiding justices of the several departments at a meeting called by the presiding justice of the department in arrears may transfer any pending appeals from such department to any other department for hearing and determination. 【No justice of the appellate division shall exercise any of the powers of a justice of the supreme court, other than those of a justice out of court, and those pertaining to the appellate division or to the hearing and decision of motions submitted by consent of counsel.】 From and after the last day of December, eighteen hundred and ninety-five, the appellate division shall have the jurisdiction now exercised by the supreme court at its general terms and by the general terms of the court of common pleas for the city and county of New York, the superior court of the city of New York, the superior court of Buffalo and the city of Brooklyn, and such additional jurisdiction as may be conferred by the legislature. It shall have power to appoint and remove a reporter. The justices of the appellate division in each department shall have power to fix the times and places for holding special and trial terms therein, and to assign the justices in the department to hold such terms, or to make rules therefor. *If when any appellate division is not in session the necessity arises for holding an extra special or trial term in such department the presiding justice of the appellate division of that department shall appoint a time and place for the holding of such extra special or trial term and designate a justice to hold the same.*

1902. S. No. 451 (Int. 388). (Same as A. No. 651.)

S. J. 213.

A. No. 651 (Int. 585). (Same as S. No. 451.)

A. J. 331, 1051.

3. Designation of appellate division justices by court of appeals — powers of appellate division justice within and outside department

§ 2. The legislature shall divide the state into four judicial departments. The first department shall consist of the county of New York; the others shall be bounded by county lines and be compact and equal in population as nearly as may be. Once every

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ten years the legislature may alter the judicial departments but without increasing the number thereof. There shall be an appellate division of the supreme court, consisting of seven justices in the first department, and of five justices in each of the other departments. In each department four shall constitute a quorum, and the concurrence of three shall be necessary to a decision. No more than five justices shall sit in any case. From all the justices elected to the supreme court the [governor] *court of appeals* shall designate those who shall constitute the appellate division in each department; and [he] *the court of appeals* shall designate the presiding justice thereof, who shall act as such during his term of office, and shall be a resident of the department. The other justices shall be designated for terms of five years or the unexpired portions of their respective terms of office, if less than five years. From time to time as the terms of such designations expire, or vacancies occur, [he] *the court of appeals* shall make new designations. A majority of the justices so designated to sit in the appellate division, in each department shall be residents of the department. [He] *The court of appeals* may also make temporary designations in case of the absence or inability to act of any justice in the appellate division, or in case the presiding justice of any appellate division shall certify to [him] *the court of appeals* that one or more additional justices are needed for the speedy disposition of the business before it. Whenever the appellate division in any department shall be unable to dispose of its business within a reasonable time, a majority of the presiding justices of the several departments at a meeting called by the presiding justice of the department in arrears may transfer any pending appeals from such department to any other department for hearing and determination. No justice of the appellate division shall [within the department to which he may be designated to perform the duties of an appellate justice,] exercise any of the powers of the supreme court, other than those of a justice out of court, and those pertaining to the appellate division or to the hearing and decision of motions submitted by consent of counsel[, but any such justice, when not actually engaged in performing the duties of such appellate justice in the department to which he is designated, may hold any term of the supreme court and exercise any of the powers of a justice of the supreme court in any county or judicial district in any other department of the state.] From and after

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the last day of December, eighteen hundred and ninety-five, the appellate division shall have the jurisdiction now exercised by the supreme court at its general terms and by the general terms of the court of common pleas for the city and county of New York, the superior court of the city of New York, the superior court of Buffalo and the city of Brooklyn, and such additional jurisdiction as may be conferred by the legislature. It shall have power to appoint and remove a reporter. The justices of the appellate division in each department shall have power to fix the times and places for holding special *and trial* terms therein, and to assign the justices in the departments to hold such terms; or to make rules therefor.

1908. A. No. 889 (Int. 767).

A. J. 361, 1649.

1909. A. No. 918 (Int. 832).

A. J. 524.

4. Jurisdiction of appellate division—power to fix times and places of trial terms

§ 2. The legislature shall divide the state into four judicial departments. The first department shall consist of the county of New York; the other shall be bounded by county lines, and be compact and equal in population as nearly as may be. Once every ten years the legislature may alter the judicial departments, but without increasing the number thereof. There shall be an appellate division of the supreme court, consisting of seven justices in the first department, and of five justices in each of the other departments. In each department four shall constitute a quorum, and the concurrence of three shall be necessary to a decision. No more than five justices shall sit in any case. From all the justices elected to the supreme court the governor shall designate those who shall constitute the appellate division in each department; and he shall designate the presiding justice thereof, who shall act as such during his term of office, and shall be a resident of the department. The other justices shall be designated for terms of five years or the unexpired portions of their respective terms of office, if less than five years. From time to time, as the terms of such designations expire, or vacancies occur, he shall make new designations. A majority of the justices so designated to sit in the appellate division, in each department shall be residents of the department. He may also make temporary designations in case of the absence or inability to act of any justice in the appellate division, or in case

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the presiding justice of any appellate division shall certify to him that one or more additional justices are needed for the speedy disposition of the business before it. Whenever the appellate division in any department shall be unable to dispose of its business within a reasonable time, a majority of the presiding justices of the several departments at a meeting called by the presiding justice of the department in arrears may transfer any pending appeals from such department to any other department for hearing and determination. No justice of the appellate division shall exercise any of the powers of a justice of the supreme court, other than those of a justice out of court, and those pertaining to the appellate division or to the hearing and decision of motions submitted by consent of counsel. From and after the last day of December, eighteen hundred and ninety-five, the appellate division shall have the jurisdiction now exercised by the supreme court at its general terms and by the general terms of the court of common pleas for the city and county of New York, the superior court of the city of New York, the superior court of Buffalo and the city of Brooklyn, *except in a case where an appeal upon a question of law may be and is taken directly to the court of appeals as provided in section nine of this article*, and such additional jurisdiction as may be conferred by the legislature. It shall have power to appoint and remove a reporter. The justices of the appellate division in each department shall have power to fix the times and places for holding special [and trial] terms therein, and to assign the justices in the departments to hold such terms; or to make rules therefor.

1904. S. No. 193 (Int. 187). (Same as A. No. 252.)

S. J. 59.

A. No. 252 (Int. 245). (Same as S. No. 193.)

A. J. 99.

5. Appellate division to designate times and places of trial terms

§ 2. The legislature shall divide the state into four judicial departments. The first department shall consist of the county of New York; the others shall be bounded by county lines, and be compact and equal in population as nearly as may be. Once every ten years the legislature may alter the judicial departments, but without increasing the number thereof. There shall be an appellate division of the supreme court, consisting of seven justices in the first department, and of five justices in each of the other departments. In each department four shall constitute a quorum, and the concurrence of three shall be necessary to a decision. No

more than five justices shall sit in any case. From all the justices elected to the supreme court the governor shall designate those who shall constitute the appellate division in each department; and he shall designate the presiding justice thereof, who shall act as such during his term of office, and shall be a resident of the department. The other justices shall be designated for terms of five years or the unexpired portions of their respective terms of office, if less than five years. From time to time as the terms of such designations expire, or vacancies occur, he shall make new designations. A majority of the justices so designated to sit in the appellate division, in each department shall be residents of the department. He may also make temporary designations in case of the absence or inability to act to any justice in the appellate division, or in case the presiding justice of any appellate division shall certify to him that one or more additional justices are needed for the speedy disposition of the business before it. Whenever the appellate division in any department shall be unable to dispose of its business within a reasonable time, a majority of the presiding justices of the several departments at a meeting called by the presiding justice of the department in arrears may transfer any pending appeals from such department to any other department for hearing and determination. No justice of the appellate division shall, within the department to which he may be designated to perform the duties of an appellate justice, exercise any of the powers of a justice of the supreme court, other than those of a justice out of court, and those pertaining to the appellate division, or to the hearing and decision of motions submitted by consent of counsel, but any such justice, when not actually engaged in performing the duties of such appellate justice in the department to which he is designated, may hold any term of the supreme court and exercise any of the powers of a justice of the supreme court in any county or judicial district in any other department of the state. From and after the last day of December, eighteen hundred and ninety-five, the appellate division shall have the jurisdiction now exercised by the supreme court at its general terms and by the general terms of the court of common pleas for the city and county of New York, the superior court of the city of New York, the superior court of Buffalo and the city of Brooklyn, and such additional jurisdiction as may be conferred by the legislature. It shall have power to appoint and remove a reporter. The justices of the

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appellate division in each department shall have power to fix the times and places for holding special *and trial* terms therein, and to assign the justices in the departments to hold such terms; or to make rules therefor.

1907. S. No. 353 (Int. 320). (Substituted for A. No. 754.) To Sec. of State.

S. J. 151, 276, 293, 307, 478.

A. J. 536, 786, 863.

A. No. 754 (Int. 697). (S. No. 353 substituted.)

A. J. 320, 612, 642, 662, 729, 787, 791.

1909. S. No. 241 (Int. 236). To A.

S. J. 119, 553, 583, 594.

A. J. 1070.

§ 4. The official terms of the Justices of the Supreme Court shall be fourteen years from and including the first day of January next after their election. When a vacancy shall occur otherwise than by expiration of term in the office of Justice of the Supreme Court the same shall be filled for a full term, at the next general election, happening not less than three months after such vacancy occurs; and, until the vacancy shall be so filled, the Governor by and with the advice and consent of the Senate, if the Senate shall be in session, or if not in session the Governor, may fill such vacancy by appointment, which shall continue until and including the last day of December next after the election at which the vacancy shall be filled.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Commencement of term of supreme court justices — vacancies other than expiration of term

§ 4. The official terms of the justices of the supreme court shall be fourteen years from and including the first day of January *of the odd numbered year* next after their election. When a vacancy shall occur otherwise than by *expiration of term in the office of justice of the supreme court the same shall be filled for a full term, at the next general election *in an even numbered year*, happening not less than three months after such vacancy occurs; and, until the vacancy shall be so filled the governor, by and with the advice and consent of the senate, if the senate shall be in session, or if not in session the governor may fill such vacancy by appointment, which shall continue until and including the last

* So in original.

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day of December next after the election at which the vacancy shall be filled.

1898. A. No. 894 (Int. 778).

A. J. 491.

2. Court of appeals to fill vacancies—in supreme court by appointment until general election

§ 4. The official [terms] *term* of the justices of the supreme court shall be fourteen years from and including the first day of January next after their election. When a vacancy [shall occur] *occurs* otherwise than [by] *the* expiration of term in the office of justice of the supreme court the same shall be filled for a full term, at the next general election, happening not less than three months after such vacancy occurs; and, until the vacancy shall be so filled, the [governor by and with the advice and consent of the senate, if the senate shall be in session, or if not in session the governor,] *court of appeals* may fill such vacancy by appointment, which shall continue until and including the last day of December next after the election at which the vacancy shall be filled].

1902. S. No. 451 (Int. 388). (Same as A. No. 657.)

S. J. 213.

A. No. 657 (Int. 585). (Same as S. No. 451.)

A. J. 331, 1051.

3. Elections to fill vacancies in supreme court in odd numbered years—extension of term of certain justices

§ 4. The official terms of the justices of the supreme court shall be fourteen years from and including the first day of January next after their election. When a vacancy shall occur otherwise than by expiration of term in the office of justice of the supreme court the same shall be filled for a full term at the next general election happening *in an odd numbered year*, not less than three months after such vacancy occurs; and, until the vacancy shall be so filled, the governor, by and with the advice and consent of the senate, if the senate shall be in session or, if not in session, the governor may fill such vacancy by appointment, which shall continue until and including the last day of December next after the election at which the vacancy shall be filled. *All elections for justices of the supreme court shall be held on the Tuesday succeeding the first Monday of November in an odd numbered year, and the term of every such justice shall expire at the end of an odd numbered year. The term of office of all justices of the*

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supreme court elected before this provision of the constitution shall take effect whose successors have not then been elected, which would expire within an even numbered year, are extended to and including the last day of December next following the time when such term would otherwise expire; and their successors shall be elected at the general election before their term of office shall expire, as herein provided.

1904. S. No. 196 (Int. 190). (Same as A. No. 251.)

S. J. 63.

A. No. 251 (Int. 244). (Same as S. No. 196.)

A. J. 99.

4. Appointee to fill vacancy in supreme court of same political party as predecessor

§ 4. The official terms of the justices of the supreme court shall be fourteen years from and including the first day of January next after their election. When a vacancy shall occur otherwise than by expiration of term in the office of justice of the supreme court the same shall be filled for a full term, at the next general election, happening not less than three months after such vacancy [occurs] happens; and, until the vacancy shall be [so] filled, the governor by and with the advice and consent of the senate, if the senate shall be in session, or if not in session the governor, may fill such vacancy by appointment, which shall continue until and including the last day of December next after the election at which the vacancy shall be filled. *But in filling such vacancy by appointment the appointee named by the governor shall in all cases be of the same political party and faith as was the justice to fill whose place he shall be appointed.*

1908. A. No. 46 (Int. 46).

A. J. 32, 1650.

1909. A. No. 918 (Int. 832).

A. J. 524.

5. Consolidating city court of New York with supreme court

§ 5a. (Proposal to add the following new section:) *The city court of the city of New York is abolished from and after the first day of January, nineteen hundred and ten, and thereupon the seals, records, papers and documents of or belonging to said court shall be deposited in the office of the clerk of the county of New York; and all actions and proceedings then pending in said court shall be transferred to the supreme court for hearing and determination. The judges of said court elected thereto or*

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in office on the first day of January, nineteen hundred and ten, shall, for the remainder of the term for which they were elected or appointed, be justices of the supreme court. Their salaries shall be paid by the county of New York and shall be the same as the salaries of the other justices of the supreme court residing in the county of New York. Their successors shall be elected as justices of the supreme court by the electors of the judicial district in which they reside. The jurisdiction now exercised by the city court of New York hereby abolished shall be vested in the supreme court.

1907. A. No. 287 (Int. 286).

A. J. 81, 447.

1908. S. No. 64 (Int. 63). (Same as A. No. 390.)

S. J. 27.

A. No. 390 (Int. 379). (Same as S. No. 64.)

A. J. 112.

§ 5-a. (Proposal to add the following new section:) *The city court of the city of New York is abolished from and after the first day of January, 1910, and thereupon the seals, records, papers and documents of or belonging to said court shall be deposited in the office of the clerk of the county of New York; and all actions and proceedings then pending in said court shall be transferred to the Supreme Court for hearing and determination. The judges of said court elected thereto or in office on the first day of January, 1910, shall, for the remainder of the term for which they were elected or appointed, be justices of the Supreme Court. Their salaries shall be paid by the county of New York and shall be the same as the salaries of the other justices of the Supreme Court residing in the county of New York. Their successors shall be elected as justices of the Supreme Court by the electors of the judicial district in which they reside. The number of justices of the Supreme Court in the first district, as increased by the provisions of this section, shall be in addition to, and not included in computing the number which the Legislature is authorized to create, in such district, by the provisions of section 1 of this article. The jurisdiction now exercised by the city court of New York hereby abolished shall be vested in the Supreme Court. Section 1 of this article providing for the manner in which the number of justices of the Supreme*

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Court may be increased, shall not be affected by, nor shall it be deemed to affect or apply to the increase in the number of justices of the Supreme Court effected by the consolidation of the said city court of the city of New York with the Supreme Court.

1908. S. No. 654 (Int. 562).
S. J. 297.

§ 5-a. (Proposal to add the following new section:) *The city court of the city of New York is abolished from and after the first day of January, nineteen hundred and ten, and thereupon the seals, records, papers and documents of or belonging to said court shall be deposited in the office of the clerk of the county of New York; and all actions and proceedings then pending in said court shall be transferred to the supreme court for hearing and determination. The judges of said court elected thereto or in office on the first day of January, nineteen hundred and ten, shall, for the remainder of the term for which they were elected or appointed, be justices of the supreme court. Their salaries shall be paid by the county of New York and shall be the same as the salaries of the other justices of the supreme court residing in the county of New York. Their successors shall be elected as justices of the supreme court by the electors of the judicial district in which they reside. The number of justices of the supreme court in the first district, as increased by the provisions of this section, shall be in addition to, and not included in computing the number which the legislature is authorized to create, in such district, by the provisions of section one of this article. The jurisdiction now exercised by the city court of New York hereby abolished shall be vested in the supreme court.*

1908. A. No. 1054 (Int. 883).
A. J. 503.

§ 5-a. (Proposal to add the following new section:) *The city court of the city of New York is abolished from and after the first day of January, nineteen hundred and twelve and thereupon the seals, records, papers and documents of or belonging to said court shall be deposited in the office of the clerk of the county of New York; and all actions and proceedings then pending in said court shall be transferred to the supreme court for hearing and*

determination. The judges of said court elected thereto or in office on the first day of January, nineteen hundred and twelve shall, for the remainder of the term for which they were elected or appointed, be justices of the supreme court. Their salaries shall be paid by the county of New York and shall be the same as the salaries of the other justices of the supreme court residing in the county of New York. Their successors shall be elected as justices of the supreme court by the electors of the judicial district in which they reside. The jurisdiction now exercised by the city court of New York hereby abolished shall be vested in the supreme court.

1910. S. No. 95 (Int. 95).
S. J. 39, 1717.

§ 6. Circuit Courts and Courts of Oyer and Terminer are abolished from and after the last day of December, one thousand eight hundred and ninety-five. All their jurisdiction shall thereupon be vested in the Supreme Court, and all actions and proceedings then pending in such courts shall be transferred to the Supreme Court for hearing and determination. Any Justice of the Supreme Court, except as otherwise provided in this article, may hold court in any county.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Trial commissioners

§ 6. (Proposal to add the following:) Whenever and as often as the causes upon the trial term calendar of any county of this state, having a population according to the latest state enumeration of over five hundred thousand, shall have so accumulated that an unpreferred cause cannot be reached for trial in due course within one year after it has been placed upon the calendar, the appellate division of the department in which such county is embraced may, by a certificate signed by a majority of its members, certify the fact to the court of appeals, whereupon said court may by order authorize the appointment in said county of trial commissioners, stating in said order the number of commissioners to be appointed, and their terms of office, not exceeding six years. Such order shall be made in duplicate and one copy thereof filed in the office of the secretary of state, and one in the office of the clerk of the county in which said appointments are authorized.

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The appellate division of the department embracing said county shall thereupon appoint the number of trial commissioners authorized by said order, who must possess the qualifications required for a justice of the supreme court. They shall possess and exercise in the county for which they are appointed all the powers of a justice of the supreme court respecting the trial and disposition of causes upon said trial term calendar and the settlement of cases on appeal, but shall possess none of the powers of such a justice out of court or at special term. They may be removed in the same manner as is provided in case of a justice of said supreme court. They shall each receive an annual salary of twelve thousand dollars to be paid by the county for which they are appointed, and may not practice law.

1904. S. No. 775 (Int. 574). To Sec. of State.
S. J. 351, 480, 637, 709, 745, 769, 1420.
A. J. 1458, 2109, 2183, 2279, 2375.
1905. A. No. 353 (Int. 353).
A. J. 139, 3206, 3228.

2. Designation of supreme court commissioners to hold trial terms

§ 6. (Proposal to add the following:) *In any department in which supreme court commissioners have been appointed, the justices of the appellate division of the department, or a majority of them, are authorized from time to time to designate one or more of such supreme court commissioners to hold trial terms of the supreme court within such department and to revoke such designation. A supreme court commissioner so designated shall have power to hold a trial term of the supreme court within said department and to perform the duties of a justice of the supreme court in the trial term to which he may be assigned.*

1904. S. No. 1307 (Int. 937). To Sec. of State.
S. J. 1146, 1357, 1478, 1558, 1707.
A. J. 2710, 2728.
1905. A. No. 284 (Int. 284).
A. J. 108, 2899.
1906. A. No. 2031 (Int. 1091).
A. J. 893, 1833.

§ 7. The Court of Appeals is continued. It shall consist of the Chief Judge and Associate Judges now in office, who shall hold their offices until the expiration of their respective terms, and their successors, who shall be chosen by the electors of the State. The official terms of the Chief Judge and Associate Judges shall be fourteen years from and including the first day of January

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next after their election. Five members of the court shall form a quorum and the concurrence of four shall be necessary to a decision. The court shall have power to appoint and to remove its reporter, clerk and attendants.

AMENDMENT SUBMITTED TO THE PEOPLE AND ADOPTED

§ 7. The court of appeals is continued. It shall consist of the chief judge and associate judges now in office, who shall hold their offices until the expiration of their respective terms, and their successors, who shall be chosen by the electors of the state. The official terms of the chief judge and associate judges shall be fourteen years from and including the first day of January next after their election. Five members of the court shall form a quorum, and the concurrence of four shall be necessary to a decision. The court shall have power to appoint and to remove its reporter, clerk and attendants. Whenever and as often as a majority of the judges of the court of appeals shall certify to the governor that said court is unable, by reason of the accumulation of causes pending therein, to hear and dispose of the same with reasonable speed, the governor shall designate not more than four justices of the supreme court to serve as associate judges of the court of appeals. The justices so designated shall be relieved from their duties as justices of the supreme court and shall serve as associate judges of the court of appeals until the causes undisposed of in said court are reduced to two hundred, when they shall return to the supreme court. The governor may designate justices of the supreme court to fill vacancies. No justice shall serve as associate judge of the court of appeals except while holding the office of justice of the supreme court, and no more than seven judges shall sit in any case.

1898. S. No. 1024 (Int. 555). To Sec. of State.
S. J. 392, 783, 1006, 1098, 1134, 1444.

A. J. 2537, 2599, 2604, 2654.

1899. S. No. 301 (Int. 294). To Sec. of State.

S. J. 148, 1074, 1118, 1150, 1182, 1935.

A. J. 2358, 3313, 3318, 3360.

Adopted Nov. 7, 1899.

Vote: for, 279,469; against, 132,064.

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AMENDMENT SUBMITTED TO THE PEOPLE BUT REJECTED**1. Additional judges for court of appeals — salaries**

§ 7. (Proposal to add the following:) *There shall be elected at the next general election to be held after the adoption of this amendment, and thereafter as vacancies may occur, two additional associate judges of the court of appeals, of the judges of which court not more than seven shall sit on the hearing of any appeal, except that the court may, in its discretion, direct a reargument to be had before the entire court. Upon the entry of the judges so elected upon their respective offices the existing provision for designating justices of the supreme court as associate judges of the court of appeals shall cease and determine. The salary of the associate judges of the court of appeals shall be the sum of fifteen thousand dollars a year, and that of the chief judge the sum of fifteen thousand dollars a year, and that of the chief judge the sum of fifteen thousand five hundred dollars a year, which salary shall be in lieu of and shall exclude all other compensation and allowances for expenses of every nature and kind whatever.*

1906. S. No. 1368 (Int. 984). To A.

S. J. 1294, 1534, 1596, 1734, 1776, 1822.

A. J. 3015.

1907. A. No. 2295 (Int. 1670). To Sec. of State.

A. J. 1981, 3268, 3273, 3305, 3327, 3332, 4055.

S. J. 1802, 2092, 2228.

1909. A. No. 782 (Int. 751). To S. Amended, S. No. 998. To Sec. of State.

A. J. 432, 506, 546, 557, 574, 1424, 1493.

S. J. 355, 573, 605, 606, 732, 737, 784.

Rejected Nov. 8, 1910.

Vote: for, 332,300; against, 332,592.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE**1. Second division of court of appeals to relieve calendar**

§ 7. (Proposal to add the following:) *Whenever, and as often as, there shall be such an accumulation of causes on the calendar of the court of appeals that the public interests require a more speedy disposition thereof, the said court may certify such fact to the governor, who shall thereupon designate seven persons to act as associate judges, for the time being, of the court of appeals, and to form a second division of said court, and who shall act as such until all the causes upon the calendar of the court of appeals are determined, or the judges of said court, elected as such, shall certify to the governor that said causes are substantially disposed*

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of, and when said causes are thus determined, or upon receiving such certificate, the governor shall declare said second division dissolved, and the designation of persons to serve thereon shall thereupon expire and cease. The second division of said court hereby authorized to be constituted shall have power and be competent to determine any causes in the court of appeals which may be assigned to such division by the court composed of persons elected to serve in said court, and said last named court may, at any time before judgment, direct any of the causes so assigned to be restored to its own calendar for hearing and decision. The rules of practice in both divisions shall be the same. Five members of the court shall be sufficient to form a quorum for said second division, and the concurrence of four shall be necessary to a decision. The persons composing said second division shall appoint from their number a chief judge of such division. In case any justice of the supreme court shall be appointed to serve on such division, the governor may, from time to time, when in his judgment the public interests may require, change the designation of any such justice to serve in such division, and he may fill any vacancy occurring in such division by designating a person to fill the same. No justice of the supreme court shall exercise any of the functions of a justice of the supreme court, nor receive any salary or compensation as such justice during the time he shall be designated to act in such division. During such term of service in said second division, any person so designated shall receive the same compensation as the associate judges of the court of appeals, elected as such. Said second division may appoint and remove a crier and such attendants as may be necessary, and shall have power to appoint the times and places of their sessions. The clerk and reporter of the court of appeals shall be the clerk and reporter of said second division.

1898. S. No. 635 (Int. 346).
S. J. 179, 373, 437, 483.

2. Commencement of term of court of appeals judges

§ 7. The court of appeals is continued. It shall consist of the chief judge and associate judges now in office, who shall hold their offices until the expiration of their respective terms, and their successors, who shall be chosen by the electors of the state. The official terms of the chief judge and associate judges shall be fourteen years from and including the first day of January of *the odd*

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numbered year next after their election. Five members of the court shall form a quorum, and the concurrence of four shall be necessary to a decision. The court shall have power to appoint and to remove its reporter, clerk and attendants.

1898. A. No. 892 (Int. 776).

A. J. 490.

3. Additional judges for court of appeals — number to sit in any case

§ 7. The court of appeals is continued. It shall consist of the chief judge and associate judges now in office, who shall hold their offices until the expiration of their respective terms, and their successors, who shall be chosen by the electors of the state, *and four additional associate judges and their successors, who shall likewise be chosen by the electors of the state.* The official terms of the chief judge and the associate judges shall be fourteen years from and including the first day of January next after their election. Five members of the court shall form a quorum and the concurrence of four shall be necessary to a decision, *and no more than seven judges shall sit in any case.* The court shall have power to appoint and to remove its reporter, clerks and attendants.

1899. S. No. 497 (Int. 457).

S. J. 237.

4. Additional judges for court of appeals — number of divisions — number necessary to decision — quorum

§ 7. The court of appeals is continued. It shall consist of the chief judge and associate judges now in office, *and of such additional judges as the legislature may from time to time provide in accordance with section one of this article and as may be elected according to law,* who shall hold their offices until the expiration of their respective terms, and *of their successors, who shall be chosen by the electors of the state.* The official terms of the chief judge and associate judges shall be fourteen years from and including the first day of January next after their election. *The legislature may provide by law for the manner in which the court shall sit, whether in two divisions or one, and for the number of members of the court necessary to form a quorum in either instance, and also for the number whose concurrence shall be necessary to a decision.* [Five members of the court shall form a quorum, and the concurrence of four shall be necessary to a decision.] The court shall have power to appoint and to remove its reporter, clerk and attendants. [Whenever and as often as a

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majority of the judges of the court of appeals shall certify to the governor that said court is unable, by reason of the accumulation of causes pending therein, to hear and dispose of the same with reasonable speed, the governor shall designate not more than four justices of the supreme court to serve as associate judges of the court of appeals. The justices so designated shall be relieved from their duties as justices of the supreme court and shall serve as associate judges of the court of appeals until the causes undisposed of in said court are reduced to two hundred, when they shall return to the supreme court. The governor may designate justices of the supreme court to fill vacancies. No justice shall serve as associate judge of the court of appeals except while holding the office of justice of the supreme court, and no more than seven judges shall sit in any case.]

1904. S. No. 195 (Int. 189). (Same as A. No. 253.) To Sec. of State.

S. J. 61, 637, 1161, 1256, 1501, 1691.

A. J. 2575, 2656, 2685.

A. No. 253 (Int. 246). (Same as S. No. 195.)

A. J. 99.

1905. A. No. 283 (Int. 283).

A. J. 108.

§ 8. When a vacancy shall occur otherwise than by expiration of term, in the office of Chief or Associate Judge of the Court of Appeals, the same shall be filled, for a full term, at the next general election happening not less than three months after such vacancy occurs; and until the vacancy shall be so filled, the Governor, by and with the advice and consent of the Senate, if the Senate shall be in session or if not in session the Governor may fill such vacancy by appointment. If any such appointment of Chief Judge shall be made from among the Associate Judges, a temporary appointment of Associate Judge shall be made in like manner; but in such case, the person appointed Chief Judge shall not be deemed to vacate his office of Associate Judge any longer than until the expiration of his appointment as Chief Judge. The powers and jurisdiction of the court shall not be suspended for want of appointment or election, when the number of Judges is sufficient to constitute a quorum. All appointments under this section shall continue until and including the last day of December next after the election at which the vacancy shall be filled.

AMENDMENT PROPOSED BUT NOT SUBMITTED TO THE PEOPLE**1. Appointments to fill vacancies in court of appeals**

§ 8. When a vacancy shall occur otherwise than by expiration of term, in the office of chief or associate judge of the court of appeals, the same shall be filled, for a full term, at the next general election happening not less than three months after such vacancy occurs, and until the vacancy shall be [so] filled the [Governor, by and with the advice and consent of the Senate, if the Senate shall be in session, or if not in session, the Governor] *court of appeals* may fill such vacancy by appointment. *If such vacancy shall be that of chief judge the associate judge whose term of office will soonest expire shall act as chief judge until the election of a chief judge. In* [If any such appointment of chief judge shall be made from among the associate judges, a temporary appointment of associate judge shall be made in like manner; but in such] case [,] *the person appointed [chief] as associate judge shall be a justice of the supreme court the person so appointed shall not be deemed to vacate his office of [associate judge] justice of the supreme court any longer than until the expiration of his appointment as [chief] associate judge of the court of appeals, and in the event of a supreme court justice being so appointed to fill the vacancy of an associate judge of the court of appeals, the appellate division of the department from which he is taken shall appoint a person to take the place of such supreme court justice until the expiration of his term as associate judge of the court of appeals. The powers and jurisdiction of the court shall not be suspended for want of appointment or election, when the number of judges is sufficient to constitute a quorum. All appointments under this section shall continue until and including the last day of December next after the election at which the vacancy shall be filled.*

1902. S. No. 451 (Int. 388). (Same as A. No. 657.)

S. J. 213.

A. No. 657 (Int. 585). (Same as S. No. 451.)

A. J. 331, 1051.

§ 9. After the last day of December, one thousand eight hundred and ninety-five, the jurisdiction of the Court of Appeals, except where the judgment is of death, shall be limited to the review of questions of law. No unanimous decision of the Appellate Division of the Supreme Court that there is evidence support-

ing or tending to sustain a finding of fact or a verdict not directed by the court, shall be reviewed by the Court of Appeals. Except where the judgment is of death, appeals may be taken, as a right, to said court only from judgments or orders entered upon decisions of the Appellate Division of the Supreme Court, finally determining actions or special proceedings, and from orders granting new trials on exceptions, where the appellants stipulate that upon affirmance judgment absolute shall be rendered against them. The Appellate Division in any department may however, allow an appeal upon any question of law which, in its opinion, ought to be reviewed by the Court of Appeals.

The Legislature may further restrict the jurisdiction of the Court of Appeals and the right of appeal thereto, but the right to appeal shall not depend upon the amount involved.

The provisions of this section shall not apply to orders made or judgments rendered by any General Term before the last day of December, one thousand eight hundred and ninety-five, but appeals therefrom may be taken under existing provisions of law.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Appeals to court of appeals — when allowed

§ 9. [After the last day of December, eighteen hundred and ninety-five, the] *The jurisdiction of the court of appeals, except where the judgment is of death, shall be limited to the review of questions of law. [No unanimous decision of the appellate division of the supreme court that there is evidence supporting or tending to sustain a finding of fact or a verdict not directed by the court, shall be reviewed by the court of appeals.] Except where the judgment is of death, appeals may be taken, as of right, to said court only from judgments or orders entered upon decisions of the appellate division of the supreme court, finally determining actions or special proceedings, and from orders granting new trials on exceptions, where the appellants stipulate that upon affirmance judgment absolute shall be rendered against them, unless the appellate division shall allow an appeal upon a question of law which, in its opinion, ought to be reviewed by the court of appeals. [The appellate division in any department may, however, allow an appeal upon any question of law which, in its opinion, ought to be reviewed by the court of appeals.] No appeal shall be taken to the court of appeals from a judgment or*

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order of affirmance in any action or special proceeding when the decision of the appellate division of the supreme court is unanimous, unless such appellate division shall certify that, in its opinion, a question of law is involved, which ought to be reviewed by the court of appeals, or unless, in case of its refusal to so certify, an appeal is allowed by a judge of the court of appeals. The legislature may further restrict the jurisdiction of the court of appeals and the right of appeal thereto, but the right to appeal shall not depend upon the amount involved. The provisions of this section shall not apply to orders made or judgments rendered by any general term before the last day of December, eighteen hundred and ninety-five; but appeals therefrom [may be taken under existing provisions of law] shall be governed by the provisions of law existing at the time such orders were made or judgments rendered. The provisions of this section, as amended, shall not apply to orders made or judgments rendered by any appellate division before the date when this amendment shall take effect, but appeals therefrom may be taken under provisions of law existing at the time such orders were made or judgments rendered.

1902. A. No. 1727 (Int. 1261).

A. J. 1726.

1904. S. No. 252 (Int. 238).

S. J. 84, 1357.

§ 9. [After the last day of December, eighteen hundred and ninety-five, the] *The jurisdiction of the court of appeals, except where the judgment is of death, shall be limited to the review of questions of law. [No unanimous decision of the appellate division of the supreme court that there is evidence supporting or tending to sustain a finding of fact or a verdict not directed by the court, shall be reviewed by the court of appeals.] Except where the judgment is of death, appeals may be taken, as of right, to said court only from judgments or orders entered upon decisions of the appellate division of the supreme court, finally determining actions or special proceedings and from orders granting new trials on exceptions, where the appellants stipulate that upon affirmance judgment absolute shall be rendered against them, unless the appellate division shall allow an appeal upon a question of law which, in its opinion, ought to be reviewed by the court of appeals. [The appellate division in any department may,*

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however, allow an appeal upon any question of law which, in its opinion, ought to be reviewed by the court of appeals.] *No appeal shall be taken to the court of appeals from a judgment or order of affirmance in any action or special proceeding when the decision of the appellate division of the supreme court is unanimous, unless such appellate division shall certify that, in its opinion, a question of law is involved, which ought to be reviewed by the court of appeals, or unless, in case of its refusal to so certify, an appeal is allowed by a judge of the court of appeals.* The legislature may further restrict the jurisdiction of the court of appeals and the right of appeal thereto, but the right to appeal shall not depend upon the amount involved. The provisions of this section shall not apply to orders made or judgments rendered by any [general term] appellate division before the last day of December, [one thousand eight hundred and ninety-five] *nineteen hundred and six*; but appeals therefrom [may be taken under existing provisions of law] *shall be governed by the provisions of law existing at the time such orders were made or judgments rendered.*

1904. A. No. 275 (Int. 268).
A. J. 107.

2. Appeal directly to court of appeals from final judgments or orders in certain cases

§ 9. After the last day of December, one thousand eight hundred and ninety-five the jurisdiction of the court of appeals, except where the judgment is of death, shall be limited to the review of questions of law. No unanimous decision of the appellate division of the supreme court that there is evidence supporting or tending to sustain a finding of fact or a verdict not directed by the court, shall be reviewed by the court of appeals. Except where the judgment is of death, appeals may be taken, as of right, to said court only from judgments or orders entered upon decisions of the appellate division of the supreme court, finally determining actions or special proceedings, and from orders granting new trials on exceptions, where the appellants stipulate that upon affirmance judgment absolute shall be rendered against them[.]; *and except that after the last day of December, one thousand nine hundred and six, in all cases where an appeal from a final judgment or final order of the supreme court at trial or special term will bring up for review only questions of law,*

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the appellant may elect to appeal directly to the court of appeals, and upon such appeal the court of appeals shall review all questions of law presented by such appeal, including the question as to whether there is any evidence to sustain a finding of fact or a verdict made or rendered in the action. (But if a party shall elect to appeal to the appellate division in a case in which he might have appealed directly to the court of appeals under this section the decision of the appellate division on the questions of law so reviewed shall be final.) The appellate division in any department may, however, allow an appeal upon any question of law which, in its opinion, ought to be reviewed by the court of appeals. The legislature may further restrict the jurisdiction of the court of appeals and the right of appeal thereto, but the right to appeal shall not depend upon the amount involved. The provisions of this section shall not apply to orders made or judgments rendered by any general term before the last day of December, one thousand eight hundred and ninety-five, but appeals therefrom may be taken under existing provisions of law.

1904. S. No. 193 (Int. 187). (Same as A. No. 252.)

S. J. 59.

A. No. 252 (Int. 245). (Same as S. No. 193.)

A. J. 99.

3. Governor or legislature may require opinion of court of appeals on questions of law

§ 9. (Proposal to add the following:) *Each branch of the legislature and the governor shall have authority to require the opinion of the court of appeals upon important questions of law.*

1907. A. No. 2239 (Int. 1648).

A. J. 1896.

1908. A. No. 773 (Int. 675).

A. J. 293.

4. Final judgments in court of appeals

§ 9. [After the last day of December, eighteen hundred and ninety-five, t] The jurisdiction of the court of appeals, except where the judgment is of death, shall be limited to the review of questions of law. No unanimous decision of the appellate division of the supreme court that there is evidence supporting or tending to sustain a finding of fact or a verdict not directed by the court, shall be [reviewed] revised by the court of appeals. *The court of appeals may award final judgment upon the record upon the right of any or all of the parties or judgment of modification, ac-*

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cording to justice; or may grant a new trial or further hearing, either of the whole case or of any particular issue therein as to any or all of the parties, as justice may require.

Except where the judgment is of death, appeals may be taken as of right to said court only from judgments or orders entered upon decisions of the appellate division of the supreme court finally determining actions or special proceedings, and from orders granting new trials on exceptions, where the appellants stipulate that upon affirmance judgment absolute shall be rendered against them. The appellate division in any department may, however, allow an appeal upon any question of law, which in its opinion ought to be reviewed by the court of appeals. The legislature may further restrict the jurisdiction of the court of appeals and the right to appeal thereto, but the right to appeal shall not depend upon the amount involved.

[The provisions of this section shall not apply to orders made or judgments rendered by any general term before the last day of December, eighteen hundred and ninety-five, but appeals therefrom may be taken under existing provisions of law.]

1913. A. No. 823 (Int. 790).

A. J. 300.

5. **Opinion of court of appeals on request of governor or either branch of legislature**

§ 9-a. (Proposal to add the following new section:) *Either branch of the legislature or the governor shall have authority to require the opinion of the court of appeals upon important questions of law and upon solemn occasions.*

1912. A. No. 1051 (Int. 956).

A. J. 459, 940, 1045, 1148.

1913. A. No. 682 (Int. 656).

A. J. 224, 1055, 1119, 1158, 1271, 1663.

6. **Report of defects in constitution or statute law to legislature**

§ 9-a. (Proposal to add the following new section:) *Any justice of the supreme court may at any time report to the chief or presiding judge of the court of appeals defects, omissions, inaccuracies or ambiguities in the constitution or statute law with his suggestions and recommendations thereon, and the same shall be considered by the court of appeals; and on or before the fifteenth day of January of each year the chief or presiding judge of the court of appeals shall report to the presiding officers of the senate*

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and assembly in writing any defect, omission, inaccuracy, or ambiguity in the constitution or statute law which in the opinion of the court of appeals, or any judge thereof, shall seem to exist, together with such remedial suggestions and recommendations with respect to the same as may appear proper; and such presiding officers shall thereupon report the same to the senate and assembly respectively.

1914. S. No. 1392 (Int. 1172).
S. J. 541.

§ 11. Judges of the Court of Appeals and Justices of the Supreme Court, may be removed by concurrent resolution of both houses of the Legislature, if two-thirds of all the members elected to each house concur therein. All other judicial officers, except Justices of the Peace and judges or justices of inferior courts not of record, may be removed by the Senate, on the recommendation of the Governor, if two-thirds of all the members elected to the Senate concur therein. But no officer shall be removed by virtue of this section except for cause, which shall be entered on the journals, nor unless he shall have been served with a statement of the cause alleged, and shall have had an opportunity to be heard. On the question of removal, the yeas and nays shall be entered on the journal.

AMENDMENT PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Removal and suspension of judicial officers

§ 11. Judges of the court of appeals and justices of the supreme court may be removed by [concurrent] resolution of both [houses of the legislature, if two-thirds of all the members elected to each house] *the judges of the court of appeals and justices of the appellate division of the supreme court, in convention duly assembled by order of the court of appeals, if two-thirds of said judges and justices* concur therein. All other judicial officers, except justices of the peace and judges or justices of inferior courts not of record may likewise be removed by the [senate] *court of appeals*, on [the] recommendation of the governor, if two-thirds of all the [members elected to the senate] *judges of the court of appeals* concur therein. But no officer shall be removed by virtue of this section except for cause, which shall be entered on the [journals] *minutes of the court of appeals*, nor unless he shall

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have been served with a statement of the cause alleged, and shall have **[received]** *had* an opportunity to be heard. On the question of removal the yeas and nays shall be entered on the **[journals]** *record of the hearing and transcribed on the minutes of the court of appeals.* Where it appears presumptively, to the satisfaction of the governor, that a judicial officer, except justices of the peace and judges or justices of inferior courts not of record, has been guilty of corruption, or other gross misconduct in office; or habitually neglects to perform his share of the labors and duties appertaining to the office; or is incapable of properly discharging the same; the governor may, in his discretion, make an order suspending that justice from the exercise of the duties of his office, and directing that his compensation cease. Such an order must recite the grounds upon which it is made; and it shall remain in force, unless it is sooner revoked by the governor, until the final determination of the convention of the judges of the court of appeals and the justices of the appellate division of the supreme court, or the court of appeals, as herein provided.

1906. S. No. 12 (Int. 12).

S. J. 12.

§ 12. The Judges and Justices hereinbefore mentioned shall receive for their services a compensation established by law, which shall not be increased or diminished during their official terms, except as provided in section five of this article.

No person shall hold the office of Judge or Justice of any court longer than until and including the last day of December next after he shall be seventy years of age.

No Judge or Justice elected after the first day of January, one thousand eight hundred and ninety-four, shall be entitled to receive any compensation after the last day of December next after he shall be seventy years of age; but the compensation of every Judge of the Court of Appeals or Justice of the Supreme Court elected prior to the first day of January, one thousand eight hundred and ninety-four, whose term of office has been, or whose present term of office shall be, so abridged, and who shall have served as such Judge or Justice ten years or more, shall be continued during the remainder of the term for which he was elected; but any such Judge or Justice may, with his consent, be assigned by the Governor, from time to time, to any duty in the Supreme Court while his compensation is so continued.

AMENDMENT SUBMITTED TO THE PEOPLE AND ADOPTED

§ 12. [The judges and justices hereinbefore mentioned shall receive for their services a compensation established by law, which shall not be increased or diminished during their official terms, except as provided in section five of this article.] No person shall hold the office of judge or justice of any court longer than and including the last day of December next after he shall be seventy years of age. [No judge or justice elected after the first day of January, one thousand eight hundred and ninety-four, shall be entitled to receive any compensation after the last day of December next after he shall be seventy years of age; but the compensation of every judge of the court of appeals or justice of the supreme court elected prior to the first day of January, one thousand eight hundred and ninety-four, whose term of office has been, or whose present term of office shall be, so abridged, and who shall have served as such judge or justice ten years or more, shall be continued during the remainder of the term for which he was elected; but any such judge or justice may, with his consent, be assigned by the governor, from time to time, to any duty in the supreme court while his compensation is so continued.] Each justice of the supreme court shall receive from the state the sum of ten thousand dollars per year. Those assigned to the appellate divisions in the third and fourth departments shall each receive in addition the sum of two thousand dollars, and the presiding justices thereof the sum of two thousand five hundred dollars per year. Those justices elected in the first and second judicial departments shall continue to receive from their respective cities, counties or districts, as now provided by law, such additional compensation as will make their aggregate compensation what they are now receiving. Those justices elected in any judicial department other than the first or second, and assigned to the appellate divisions of the first or second departments shall, while so assigned, receive from those departments respectively, as now provided by law, such additional sum as is paid to the justices of those departments. A justice elected in the third or fourth department assigned by the appellate division or designated by the Governor to hold a trial or special term in a judicial district other than that in which he is elected shall receive in addition ten dollars per day for expenses while

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actually so engaged in holding such term, which shall be paid by the state and charged upon the judicial district where the service is rendered. The compensation herein provided shall be in lieu of and shall exclude all other compensation and allowance to said justices for expenses of every kind and nature whatsoever. The provisions of this section shall apply to the judges and justices now in office and to those hereafter elected.

1908. A. No. 1645 (Int. 1290). (Substituted for S. No. 917.) To Sec. of State.

A. J. 1024, 1269, 1374, 1454, 1481, 2107.

S. No. 917 (Int. 723). (A. No. 1645 substituted.)

S. J. 507, 605, 645, 688.

1909. S. No. 64 (Int. 64). (Same as A. No. 540.) To Sec. of State.

S. J. 21, 225, 232, 235, 259.

A. J. 356, 367.

A. No. 540 (Int. 389). (Same as S. No. 64.)

A. J. 207, 307, 368.

Adopted Nov. 2, 1909.

Vote: for, 273,415; against, 249,576.

AMENDMENT PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Compensation of judges of supreme court and court of appeals

§ 12. [The judges and justices hereinbefore mentioned shall receive for their services a compensation established by law, which shall not be increased or diminished during their official terms, except as provided in section five of this article.] *Each justice of the supreme court shall be paid as compensation for his services, ten thousand dollars a year; each justice designated to serve in an appellate division of the supreme court, twelve thousand five hundred dollars a year; each judge and associate judge of the court of appeals, fifteen thousand dollars a year. The presiding judge of the court of appeals and the presiding justices of the several appellate divisions shall each be paid an additional compensation of five hundred dollars a year. No judge or justice hereinbefore mentioned shall be paid directly or indirectly any sum of money, as an allowance or payment in lieu of any item of personal expense or of his expenses generally. No person shall hold the office of judge or justice of any court longer than until and including the last day of December next after he shall be seventy years of age. [No judge or justice elected after the first day of January, eighteen hundred and ninety-four, shall be entitled to receive any compensation after the last day of December next after he shall be seventy years of age; but the compensation of every judge of*

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the court of appeals or justice of the supreme court elected prior to the first day of January, eighteen hundred and ninety-four, whose term of office has been, or whose present term of office shall be, so abridged, and who shall have served as such judge or justice ten years or more, shall be continued during the remainder of the term for which he was elected; but any such judge or justice may, with his consent, be assigned by the governor, from time to time, to any duty in the supreme court while his compensation is so continued.]

1906. A. No. 1916 (Int. 1418).
A. J. 1676.

§ 14. The existing County Courts are continued, and the Judges thereof now in office shall hold their offices until the expiration of their respective terms. In the county of Kings there shall be two County Judges and the additional County Judge shall be chosen at the next general election held after the adoption of this article. The successors of the several County Judges shall be chosen by the electors of the counties for the term of six years. County Courts shall have the powers and jurisdiction they now possess, and also original jurisdiction in actions for the recovery of money only, where the defendants reside in the county, and in which the complaint demands judgment for a sum not exceeding two thousand dollars. The Legislature may hereafter enlarge or restrict the jurisdiction of the County Courts, provided however that their jurisdiction shall not be so extended as to authorize an action therein for the recovery of money only, in which the sum demanded exceeds two thousand dollars, or in which any person not a resident of the county is a defendant.

Courts of Sessions, except in the county of New York, are abolished from and after the last day of December, one thousand eight hundred and ninety-five. All the jurisdiction of the Court of Sessions in each county, except the county of New York, shall thereupon be vested in the County Court thereof, and all actions and proceedings then pending in such Courts of Sessions shall be transferred to said County Courts for hearing and determination. Every County Judge shall perform such duties as may be required by law. His salary shall be established by law, payable out of the county treasury. A County Judge of any county may hold County Courts in any other county when requested by the Judge of such other county.

AMENDMENT SUBMITTED TO THE PEOPLE AND ADOPTED

§ 14. The existing county courts are continued, and the judges thereof now in office shall hold their offices until the expiration of their respective terms. In the county of Kings there shall be [two] four county judges. [and t] The number of county judges in any county may also be increased, from time to time, by the legislature, to such number that the total number of county judges in any one county shall not exceed one for every two hundred thousand, or major fraction thereof, of the population of such county. The additional county judges in the county of Kings shall be chosen at the [next] general election held in the first odd-numbered year after the adoption of this [article. The successors of the several county judges] amendment. The additional county judges whose offices may be created by the legislature shall be chosen at the general election held in the first odd-numbered year after the creation of such office. All county judges, including successors to existing judges, shall be chosen by the electors of the counties for the term of six years from and including the first day of January following their election. County courts shall have the powers and jurisdiction they now possess, and also original jurisdiction in actions for the recovery of money only, where the defendants reside in the county, and in which the complaint demands judgment for a sum not exceeding two thousand dollars. The legislature may hereafter enlarge or restrict the jurisdiction of the county courts, provided, however, that their jurisdiction shall not be so extended as to authorize an action therein for the recovery of money only, in which the sum demanded exceeds two thousand dollars, or in which any person not a resident of the county is a defendant. Courts of sessions, except in the county of New York, are abolished from and after the last day of December, eighteen hundred and ninety-five. All the jurisdiction of the court of sessions in each county, except the county of New York, shall thereupon be vested in the county court thereof, and all actions and proceedings then pending in such courts of sessions shall be transferred to said county courts for hearing and determination. Every county judge shall per-

form such duties as they may be required by law. His salary shall be established by law, payable out of the county treasury. A county judge of any county may hold county courts in any other county when requested by the judge of such other county.

1912. A. No. 379 (Int. 369). (Same as S. No. 243.) To Sec. of State.

A. J. 110, 1159, 1261, 2119, 2138, 2148, 2322.

S. J. 1267, 1274.

S. No. 243 (Int. 234). (Same as A. No. 379.)

S. J. 60.

1913. A. No. 121 (Int. 121). To Sec. of State.

A. J. 52, 301, 327, 328, 358, 381, 1300.

S. J. 259, 561, 626, 652.

Adopted Nov. 4, 1913.

Vote: for, 389,971; against, 255,539.

AMENDMENT SUBMITTED TO THE PEOPLE BUT REJECTED

1. Additional county judges in Kings county

§ 14. The existing county courts are continued, and the judges thereof now in office shall hold their offices until the expiration of their respective terms. In the county of Kings there shall be **[two]** *four* county judges and the additional county judges shall be chosen at the **[next]** general election held *in an odd-numbered year* after the adoption of *the amendment to this [article] section for the term of six years from and including the first day of January next after their election.* The successors of the several county judges shall be chosen by the electors of the counties for the term of six years. County courts shall have the powers and jurisdiction they now possess, and also original jurisdiction in actions for the recovery of money only, where the defendants reside in the county, and in which the complaint demands judgment for a sum not exceeding two thousand dollars. The legislature may hereafter enlarge or restrict the jurisdiction of the county courts, provided, however, that their jurisdiction shall not be so extended as to authorize an action therein for the recovery of money only, in which the sum demanded exceeds two thousand dollars, or in which any person not a resident of the county is a defendant. Courts of sessions, except in the county of New York, are abolished from and after the last day of December, one thousand eight hundred and ninety-five. All the jurisdiction of the court of sessions in each county, except the county of New York, shall thereupon be vested in the county court thereof, and all actions and proceedings then pending in such courts of sessions shall be transferred to said county courts for hearing and determina-

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tion. Every county judge shall perform such duties as may be required by law. His salary shall be established by law, payable out of the county treasury. A county judge of any county may hold county courts in any other county when requested by the judge of such other county.

1910. A. No. 1050 (Int. 344). To S. Amended, S. No. 1503. To Sec. of State.

A. J. 123, 301, 376, 501, 566, 584, 597, 697, 727, 765, 3133, 3180.

S. J. 366, 1227, 1458, 1480, 1637, 1638.

1911. S. No. 331 (Int. 321). (Same as A. No. 817.) To Sec. of State.

S. J. 134, 288, 334, 365, 366, 1495.

A. J. 710, 2848, 2872.

A. No. 817 (Int. 745). (Same as S. No. 331.) To S.

A. J. 502, 989, 1049, 1101, 1103, 1192.

S. J. 589.

Rejected Nov. 7, 1911.

Vote: for, 247,764; against, 360,859.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Additional county judges in Kings county

§ 14. The existing county courts are contained, and the judges thereof now in office shall hold their offices until the expiration of their respective terms. In the county of Kings there shall be **[two]** five county judges and the additional county judges shall be chosen at the **[next]** general election held in an odd-numbered year after the adoption of **[this article]** the amendment to this section for the term of fourteen years, and the governor shall appoint such additional county judges to hold office until the first day of January succeeding the election of additional judges as provided hereby. The county judges of the county of Kings now in office shall continue in office until the expiration of fourteen years from the commencement of their terms. The successors of the several county judges in the county of Kings shall be chosen by the electors of the county for the term of fourteen years. The successors of the several county judges in other counties shall be chosen by the electors of the counties for the term of six years. The chief clerk of the county court of Kings county now in office shall be the clerk of such court. County courts shall have the powers and jurisdiction they now possess, and also original jurisdiction in actions for the recovery of money only, where the defendants reside in the county, and in which the complaint demands judgment for a sum not exceeding two thousand dollars. The legislature may hereafter enlarge or restrict the jurisdiction of the county courts, provided, however, that their jurisdiction

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shall not be so extended as to authorize an action therein for the recovery of money only, in which the sum demanded exceeds two thousand dollars, or in which any person not a resident of the county is [a] defendant. Courts of sessions, except in the county of New York, are abolished from and after the last day of December, one thousand eight hundred and ninety-five. All the jurisdiction of the court of sessions in each county, except the county of New York, shall thereupon be vested in the county court thereof, and all actions and proceedings then pending in such courts of sessions shall be transferred to said county courts for hearing and determination. Every county judge shall perform such duties as may be required by law. His salary shall be established by law, payable out of the county treasury. A county judge of any county may hold county courts in any other county when requested by the judge of such other county.

1908. S. No. 173 (Int. 168). (A. No. 343 * substituted.)
S. J. 53, 338, 503, 572, 859, 868.

§ 14. The existing county courts are continued, and the judges thereof now in office shall hold their offices until the expiration of their respective terms. In the county of Kings there shall be [two] *four* county judges and the additional county judges shall be chosen at the next general election held *in an odd-numbered year* after the adoption of [this article] *the amendment to this section for the term of fourteen years, and the governor shall appoint such additional county judges to hold office until the first day of January succeeding the election of additional judges as provided hereby. The successors of the several county judges in the county of Kings shall be chosen by the electors of the county for the term of fourteen years. The successors of the several county judges in other counties shall be chosen by the electors of the counties for the term of six years. The chief clerk of the county court of Kings county now in office shall be the clerk of such court. County courts shall have the powers and jurisdiction they now possess, and also original jurisdiction in actions for the recovery of money only, where the defendants reside in the county, and in which the complaint demands judgment for a sum not exceeding two thousand dollars. The legislature may hereafter enlarge or restrict the jurisdiction of the county courts, provided*

* For history of substituted Assembly bill, No. 343, see proposed amendment next following.

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however, that their jurisdiction shall not be so extended as to authorize an action therein for the recovery of money only, in which the sum demanded exceeds two thousand dollars, or in which any person not a resident of the county is [a] defendant. Courts of sessions, except in the county of New York, are abolished from and after the last day of December, one thousand eight hundred and ninety-five. All the jurisdiction of the court of sessions in each county, except the county of New York, shall thereupon be vested in the county court thereof, and all actions and proceedings then pending in such courts of sessions shall be transferred to said county courts for hearing and determination. Every county judge shall perform such duties as may be required by law. His salary shall be established by law, payable out of the county treasury. A county judge of any county may hold county courts in any other county when requested by the judge of such other county.

1908. A. No. 343 (Int. 338). (Substituted for S. No. 173.*) To S. Amended, S. No. 1307.
A. J. 102, 1068, 1166, 1211, 1268, 1373, 1453, 1516, 1579.
S. J. 868, 943, 1128, 1139.

§ 14. The existing county courts are continued, and the judges thereof now in office shall hold their offices until the expiration of their respective terms. In the county of Kings there shall be [two] *three* county judges and the additional county judge shall be chosen at the [next] *general election held in an odd numbered year after the adoption of [this article,] the amendment to this section for the term of fourteen years from and including the first day of January next after his election. The successors of the several county judges in the county of Kings shall be chosen by the electors of the county for the term of fourteen years from and including the first day of January next after their election. The successors of the several county judges in other counties shall be chosen by the electors of the counties for the term of six years. County courts shall have the powers and jurisdiction they now possess, and also original jurisdiction in actions for the recovery of money only, where the defendants reside in the county, and in which the complaint demands judgment for a sum not exceeding two thousand dollars. The legislature may hereafter enlarge or*

* For history of Senate bill, No. 173, for which substituted, see proposed amendment next preceding.

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restrict the jurisdiction of the county courts, provided, however, that their jurisdiction shall not be so extended as to authorize an action therein for the recovery of money only, in which the sum demanded exceeds two thousand dollars, or in which any person not a resident of the county is a defendant. Courts of sessions, except in the county of New York, are abolished from and after the last day of December, one thousand eight hundred and ninety-five. All the jurisdiction of the court of sessions in each county, except the county of New York, shall thereupon be vested in the county court thereof, and all actions and proceedings then pending in such courts of sessions shall be transferred to said county courts for hearing and determination. Every county judge shall perform such duties as may be required by law. His salary shall be established by law, payable out of the county treasury. A county judge of any county may hold county courts in any other county when requested by the judge of such other county.

1910. S. No. 225 (Int. 223).
S. J. 83.

§ 14. The existing county courts are continued, and the judges thereof now in office shall hold their offices until the expiration of their respective terms. In the county of Kings there shall be **[two] six** county judges, and the additional county **[judge]** judges shall be chosen *by the electors of the county of Kings* at the next general election held after the adoption of this article, *and shall severally take office on the first day of January thereafter; and the salaries of such additional county judges shall be as now established by law for county judges in said county of Kings.* The successors of the several county judges shall be chosen by the electors of the counties for the term of six years. County courts shall have the powers and jurisdiction they now possess, and also original jurisdiction in actions for the recovery of money only, where the defendants reside in the county, and in which the complaint demands judgment for a sum not exceeding two thousands dollars. The legislature may hereafter enlarge or restrict the jurisdiction of the county courts, provided, however, that their jurisdiction shall not be so extended as to authorize an action therein for the recovery of money only, in which the sum demanded exceeds two thousand dollars, or in which any person not a resident of the county is a defendant.

Courts of sessions, except in the county of New York, are abolished from and after the last day of December, one thousand eight hundred and ninety-five. All the jurisdiction of the court of sessions in each county, except the county of New York, shall thereupon be vested in the county court thereof, and all actions and proceedings then pending in such courts of sessions shall be transferred to said county courts for hearing and determination. Every county judge shall perform such duties as may be required by law. His salary shall be established by law, payable out of the county treasury. A county judge of any county may hold county courts in any other county when requested by the judge of such other county.

1910. A. No. 34 (Int. 34).
A. J. 34.

2. Additional county judge in Queens county

§ 14. The existing county courts are continued, and the judges thereof now in office shall hold their offices until the expiration of their respective terms. In the county of Kings there shall be two county judges and the additional county judge shall be chosen at the next general election held after the adoption of this article. *In the county of Queens there shall be two county judges and the additional county judge shall be chosen at the next general election held after the adoption of the amendment to this section.* The successors of the several county judges shall be chosen by the electors of the counties for the term of six years. County courts shall have the powers and jurisdiction they now possess, and also original jurisdiction in actions for the recovery of money only, where the defendants reside in the county, and in which the complaint demands judgment for a sum not exceeding two thousand dollars. The legislature may hereafter enlarge or restrict the jurisdiction of the county courts, provided, however, that their jurisdiction shall not be so extended as to authorize an action therein for the recovery of money only, in which the sum demanded exceeds two thousand dollars, or in which any person not a resident of the county is a defendant. Courts of sessions, except in the county of New York, are abolished from and after the last day of December, one thousand eight hundred and ninety-five. All the jurisdiction of the court of sessions in each county, except the county of New York, shall thereupon be vested in the

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county court thereof, and all actions and proceedings then pending in such courts of sessions shall be transferred to said county courts for hearing and determination. Every county judge shall perform such duties as may be required by law. His salary shall be established by law, payable out of the county treasury. A county judge of any county may hold county courts in any other county when requested by the judge of such other county.

1910. S. No. 303 (Int. 299).

S. J. 121.

§ 14. The existing county courts are continued, and the judges thereof now in office shall hold their offices until the expiration of their respective terms. *In the county of Queens there shall be two county judges and the additional county judge shall be chosen at the next general election held after the adoption hereof.* In the county of Kings there shall be two county judges and the additional county judge shall be chosen at the next general election held after the adoption of this article. The successors of the several county judges shall be chosen by the electors of the counties for the term of six years. County courts shall have the powers and jurisdiction they now possess, and also original jurisdiction in actions for the recovery of money only, where the defendants reside in the county, and in which the complaint demands judgment for a sum not exceeding two thousand dollars. The legislature may hereafter enlarge or restrict the jurisdiction of the county courts, provided, however, that their jurisdiction shall not be so extended as to authorize an action therein for the recovery of money only, in which the sum demanded exceeds two thousand dollars, or in which any person not a resident of the county is a defendant.

Courts of sessions, except in the county of New York, are abolished from and after the last day of December, one thousand eight hundred and ninety-five. All the jurisdiction of the court of sessions in each county, except the county of New York, shall thereupon be vested in the county court thereof, and all actions and proceedings then pending in such courts of sessions shall be transferred to said county courts for hearing and determination. Every county judge shall perform such duties as may be required by law. His salary shall be established by law, payable out of the county treasury. A county judge of any county may

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hold county courts in any other county when requested by the judge of such other county.

1911. A. No. 570 (Int. 554). To S.

A. J. 306, 1507, 1573, 1599, 1636, 1750, 1971.

S. J. 977.

3. Additional county judge in Westchester county

§ 14. The existing county courts are continued, and the judges thereof now in office shall hold their offices until the expiration of their respective terms. In *each of the [county] counties of Kings and Westchester* there shall be two county judges, and the additional county judge *in the county of Westchester* shall be chosen at the next general election held *in an odd-numbered year* after the adoption of this [article] amendment, and his term of office *judge in office in the county of Westchester at the adoption of this amendment shall hold office until the expiration of the term for which he was elected. The term of office of the county judges in Westchester county shall be six years. Their powers and jurisdiction shall be co-ordinate and coequal. One or more parts of the county court may be held in said county.* The successors of the several county judges *in other counties* shall be chosen by the electors of the counties for the term of six years. County courts shall have the powers and jurisdiction they now possess, and also original jurisdiction in actions for the recovery of money only, where the defendants reside in the county, and in which the complaint demands judgment for a sum not exceeding two thousand dollars. The legislature may hereafter enlarge or restrict the jurisdiction of the county courts, provided, however, that their jurisdiction shall not be so extended as to authorize an action therein for the recovery of money only, in which the sum demanded exceeds two thousand dollars, or in which any person not a resident of the county is a defendant. Courts of sessions, except in the county of New York, are abolished from and after the last day of December, one thousand eight hundred and ninety-five. All the jurisdiction of the court of sessions in each county, except the county of New York, shall thereupon be vested in the county court thereof, and all actions and proceedings then pending in such courts of sessions shall be transferred to said county courts for hearing and determination. Every county judge shall perform such duties as may be required by law. His salary shall be established by law, payable out of the county treasury. A county judge of any county may

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hold county courts in any other county when requested by the judge of such other county.

1910. A. No. 2444 (Int. 1658).
A. J. 2272.

§ 14. The existing county courts are continued, and the judges thereof now in office shall hold their offices until the expiration of their respective terms. In *each of the [county] counties of Kings and Westchester* there shall be two county judges, and the additional county judge *in the county of Westchester* shall be chosen at the next general election held after the adoption of this [article] amendment, and his term of office shall begin on the first day of January thereafter. *The county judge in office in the county of Westchester at the adoption of this amendment shall hold office until the expiration of the term for which he was elected. The terms of office of the county judges in Westchester county shall be six years. Their powers and jurisdiction shall be co-ordinate and coequal. One or more parts of the county court may be held in said county.* The successors* of the several county judges in other counties shall be chosen by the electors of the counties for the term of six years. County courts shall have the powers and jurisdiction they now possess, and also original jurisdiction in actions for the recovery of money only, where the defendants reside in the county, and in which the complaint demands judgment for a sum not exceeding two thousand dollars. The legislature may hereafter enlarge or restrict the jurisdiction of the county courts, provided, however, that their jurisdiction shall not be so extended as to authorize an action therein for the recovery of money only, in which the sum demanded exceeds two thousand dollars, or in which any person not a resident of the county is a defendant. Courts of sessions, except in the county of New York, are abolished from and after the last day of December, one thousand eight hundred and ninety-five. All the jurisdiction of the court of sessions in each county, except the county of New York, shall thereupon be vested in the county court thereof, and all actions and proceedings then pending in such courts of sessions shall be transferred to said county courts for hearing and determination. Every county judge shall perform such duties as may be required by law. His salary shall be established by law, payable out of the county treasury. A

* So in original.

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county judge of any county may hold county courts in any other county when requested by the judge of such other county.

1910. A. No. 2461 (Int. 1671).

A. J. 2352.

4. Additional county judges in Kings and Westchester counties

§ 14. The existing county courts are continued, and the judges thereof now in office shall hold their offices until the expiration of their respective terms. In the county of Kings there shall be **[two]** *four and in the county of Westchester two* county judges, and the additional county judges *in the county of Kings* shall be chosen at the **[next]** general election held *in an odd-numbered year after the adoption of [this article,] the amendment to this section for the term of fourteen years from and including the first day of January next after their election.* The successors of the several county judges *in the county of Kings* shall be chosen by the electors of the county for the term of fourteen years from and including the first day of January next after their election. The county judge in office in the county of Westchester at the adoption of this amendment shall hold office until the expiration of the term for which he was elected. The additional county judge in said county shall be elected at the general election held next after the adoption of this amendment, and his term of office shall begin on the first day of January thereafter. The terms of office of the county judges in Westchester county shall be six years. Their powers and jurisdiction shall be co-ordinate and coequal. One or more parts of the county court may be held in said county. The successors of the several county judges in other counties shall be chosen by the electors of the counties for the term of six years. County courts shall have the powers and jurisdiction they now possess, and also original jurisdiction in actions for the recovery of money only, where the defendants reside in the county, and in which the complaint demands judgment for a sum not exceeding two thousand dollars. The legislature may hereafter enlarge or restrict the jurisdiction of the county courts, provided, however, that their jurisdiction shall not be so extended as to authorize an action therein for the recovery of money only, in which the sum demanded exceeds two thousand dollars, or in which any person not a resident of the county is a defendant. Courts of sessions, except in the county of New York, are abolished from and after the last day of December, one thousand eight hundred

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and ninety-five. All the jurisdiction of the court of sessions in each county, except the county of New York, shall thereupon be vested in the county court thereof, and all actions and proceedings then pending in such courts of sessions shall be transferred to said county courts for hearing and determination. Every county judge shall perform such duties as may be required by law. His salary shall be established by law, payable out of the county treasury. A county judge of any county may hold county courts in any other county when requested by the judge of such other county.

1910. A. No. 2447 (Int. 1661).

A. J. 2272.

5. Consolidation of Kings county auxiliary court with county court of Kings county

§ 14. The existing County Courts are continued, and the judges thereof now in office shall hold their offices until the expiration of their respective terms. [In the county of Kings there shall be two county judges and the additional county judge shall be chosen at the next general election held after the adoption of this article.] *The Kings county auxiliary court is hereby merged into and consolidated with the county court of Kings county and the judges of the county court of Kings county in office at the time of the adoption of this amendment, and the judges of the Kings county auxiliary court at such time in office are and shall be county judges of Kings county for the remainder of the terms of office to which they have been elected or appointed respectively; and hereafter there shall be in the county of Kings four county judges. All actions and proceedings pending in the Kings county auxiliary court at the time of the adoption of this amendment are hereby transferred into the county court of Kings county and shall therein be continued, determined, and disposed of in like manner, and with the same force and effect, as if originally instituted or began therein. It shall be lawful for the legislature to enlarge the jurisdiction of the county court of Kings county so as to authorize an action for the recovery of money only in which the sum demanded does not exceed ten thousand dollars where the defendant or defendants reside in Kings county; it also shall be lawful for the legislature to confer upon said court the power and jurisdiction of surrogates with authority to try issues of fact by jury in probate causes, for the relief of the surrogate's court in said county. The successors of the several county judges shall be chosen by the electors of the*

counties for the term of six years. County Courts shall have the powers and jurisdiction they now possess, and also original jurisdiction in actions for the recovery of money only, where the defendants reside in the county, and in which the complaint demands judgment for a sum not exceeding two thousand dollars. The Legislature may hereafter enlarge or restrict the jurisdiction of the County Courts, provided however, that their jurisdiction shall not be so extended as to authorize an action therein for the recovery of money only, in which the sum demanded exceeds two thousand dollars, or in which any person not a resident of the county is a defendant.

Courts of Sessions, except in the county of New York, are abolished from and after the last day of December, one thousand eight hundred and ninety-five. All the jurisdiction of the Court of Sessions in each county, except the county of New York, shall thereupon be vested in the County Court thereof, and all actions and proceedings then pending in such Courts of Sessions shall be transferred to said County Courts for hearing and determination. Every county judge shall perform such duties as may be required by law. His salary shall be established by law, payable out of the county treasury. A county judge of any county may hold County Courts in any other county when requested by the judge of such other county.

1901. S. No. 345 (Int. 321).
S. J. 158.

6. Additional justices in first district

§ 24. (Proposal to add the following new section:) *On the certificate of the appellate division of the supreme court in the first judicial department that public interest requires it, the governor may appoint from time to time, not more than ten persons to act as trial justices of the supreme court in and for the first judicial district for a term which shall expire at the end of the term of the governor by whom the appointments are made. Persons so appointed shall possess the qualifications and powers, and be subject to the duties, liabilities and responsibilities of justices of the supreme court chosen under this article, and shall be entitled to the same compensation and paid in like manner as other justices of the supreme court in the first judicial district.*

1898. S. No. 1065 (Int. 859). (Same as A. No. 1744.)
S. J. 832, 938, 1014.
A. No. 1744 (Int. 1316). (Same as S. No. 1065.)
A. J. 1547.

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§ 24. (Proposal to add the following new section:) *At the general election next after the adoption of this amendment, there shall be elected, and thereafter as the offices shall become vacant through expiration of term or otherwise, by the electors of the first judicial district six justices of the supreme court in addition to the justices of that court now in office in said judicial district. The justices so elected shall be invested with their offices on the first day of January next after their election.*

1902. A. No. 215 (Int. 215).
A. J. 80.

§ 24. (Proposal to add the following new section:) *At the general election next after the adoption of this amendment, there shall be elected, and thereafter as the offices shall become vacant through expiration of term or otherwise, by the electors of the first judicial district four justices of the supreme court in addition to the justice of that court now in office in said judicial district. The justices so elected shall be invested with their offices on the first day of January next after their election.*

1902. S. No. 480 (Int. 144). (Same as A. No. 404 and S. No. 289.)
S. No. 289 (Int. 260). (Same as A. No. 404 and S. No. 480.)
S. J. 107.
A. No. 404 (Int. 380). (Same as S. No. 289 and S. No. 480.)
A. J. 154.
1903. A. No. 1438 (Int. 1106).
A. J. 1100.

7. Additional justices in second district

§ 24. (Proposal to add the following new section:) *In addition to the justices of the supreme court, now in office, there shall be one additional justice who shall reside in the county of Dutchess, in the second judicial district. He and his successors shall be chosen by the electors of the second judicial district.*

1898. S. No. 809 (Int. 676). (Same as A. No. 1462.)
S. J. 527, 662, 674.
A. No. 1462 (Int. 1128). (Same as S. No. 809.)
A. J. 1139.

§ 24. (Proposal to add the following new section:) *At the general election next after the adoption of this amendment, there shall be elected, and thereafter as the office shall become vacant through expiration of term or otherwise, by the electors of the second judicial district three justices of the supreme court in addition to the justices of that court now in office in said judicial*

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district. The justices so elected shall be invested with their offices on the first day of January next after their election.

1899. S. No. 1031 (Int. 362). To Sec. of State.

S. J. 178, 571, 722, 725, 834, 925, 926, 1233.

A. J. 1999, 2214, 2266, 2424.

1902. A. No. 68 (Int. 68).

A. J. 46.

§ 24. (Proposal to add the following new section:) *At the general election next after the adoption of this amendment, there shall be elected, and thereafter as the offices become vacant through expiration of term or otherwise, by the electors of the second judicial district two justices of the supreme court in addition to the justices of that court now in office in said judicial district. The justices so elected shall be invested with their offices on the first day of January next after their election.*

1901. S. No. 1159 (Int. 847). To Sec. of State.

S. J. 920, 989, 1700, 1728, 1778, 2046.

A. J. 3695, 3912, 3919.

1903. S. No. 1088 (Int. 790).

S. J. 898.

8. Additional justices in eighth district

§ 24. (Proposal to add the following new section:) *At the general election next after the adoption of this amendment, there shall be elected, and thereafter as the offices become vacant through expiration of term or otherwise, by the electors of the eighth judicial district, three justices of the supreme court in addition to the justices of that court now in office in said judicial district. All the justices so elected shall be invested with their offices on the first day of January next after their election.*

1902. S. No. 121 (Int. 121).

S. J. 42.

9. Additional justices in first and second districts

§ 24. (Proposal to add the following new section:) *At the general election next after the adoption of this amendment, there shall be elected, and thereafter as the offices become vacant through expiration of term or otherwise, by the electors of the first judicial district, four justices of the supreme court in addition to the justices of that court now in office in said judicial district; and by the electors of the second judicial district, three justices of the supreme court, in addition to the justices of that court, now in office in said judicial district. All the justices so elected*

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shall be invested with their offices on the first day of January next after their election.

1900. S. No. 395 (Int. 27). To Sec. of State.

S. J. 77, 217, 228, 235, 290, 1896.

A. J. 602, 3694.

1901. S. No. 1076 (Int. 467).

S. J. 258, 803, 1020.

10. Additional justices in first, second and eighth districts

§ 24. (Proposal to add the following new section:) *At the general election next after the adoption of this amendment, and thereafter as the offices shall become vacant through expiration of term or otherwise, there shall be elected by the electors of the second judicial district three justices of the supreme court in addition to the justices of that court now provided for by law in said judicial district; and by the electors of the eighth judicial district, three justices of the supreme court, in addition to the justices of that court now provided for by law in said judicial district; and by the electors of the first judicial district, four justices of the supreme court, in addition to the justices of that court now provided for by law in said judicial district. The justices so elected shall be invested with their offices on the first day of January next after their election.*

1902. S. No. 640 (Int. 54). To A.

S. J. 22, 109, 347, 558, 563.

A. J. 1025.

§ 24. (Proposal to add the following new section:) *At the general election next after the adoption of this amendment, there shall be elected, and thereafter as the offices shall become vacant through expiration of term or otherwise, by the electors of the first judicial district four justices of the supreme court in addition to the justices of that court now in office in said judicial district; and by the electors of the second judicial district four justices of the supreme court in addition to the justices of that court now in office in said judicial district; and by the electors of the eighth judicial district one justice of the supreme court in addition to the justices of that court now in office in said district. All the justices so elected shall be invested with their offices on the first day of January next after their election.*

1903. S. No. 715 (Int. 560).

S. J. 422.

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11. Court of condemnation proceedings

§ 24. (Proposal to add the following new section:) *The legislature may establish a court of record, in any county not contained with other counties within a city, or in any city, containing within its boundaries more than one county, which court may be vested with original jurisdiction in proceedings for taking private property for public use, assessing property for benefits and awarding damages, and in proceedings for the review of assessments of property for taxation. Judges of such court shall sit without a jury. The judges shall be appointed in such manner and hold office for such term as the legislature may prescribe.*

1909. A. No. 1504 (Int. 354). (Same as S. No. 493.) To S.
A. J. 191, 750, 876, 927, 1078, 1175, 1228, 1374.
S. J. 752.
S. No. 493 (Int. 210). (Same as A. No. 1504.)
S. J. 107, 301.
1910. S. No. 35 (Int. 35).
S. J. 17.

12. Courts not to declare statute unconstitutional

§ 24. (Proposal to add the following new section:) *The powers vested in the courts of this state by article six of the constitution shall not be construed by any of the courts of this state, or by any of the judges thereof, as authorizing the judge or judges of any of said courts, or of any courts created in accordance with the provisions of said article, to declare any enactment of the legislature unconstitutional and void because any such judge, or judges thereof, are of the opinion that said enactment is in conflict with the constitution of this state, and all of such judges shall hold such enactments valid, except in so far as the judge or judges of said courts are of the opinion that such enactment conflicts with the provisions of the federal constitution.*

1912. A. No. 1513 (Int. 1300).
A. J. 835.

ARTICLE VII

§ 1. The credit of the State shall not in any manner be given or loaned to or in aid of any individual, association or corporation.

AMENDMENT PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Prohibiting appropriation of public money to private use

§ 1. (Proposal to add the following:) *And the legislature shall not appropriate any moneys that belong to the state of New York to any individual, association or corporation for any purpose whatsoever.*

1908. A. No. 1108 (Int. 930).

A. J. 550.

§ 2. The State may, to meet casual deficits or failures in revenues, or for expenses not provided for, contract debts; but such debts, direct or contingent, singly or in the aggregate, shall not at any time exceed one million of dollars; and the moneys arising from the loans creating such debts shall be applied to the purpose for which they were obtained, or to repay the debt so contracted, and to no other purpose whatever.

AMENDMENT PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Eight hour day on public work — payment of prevailing rate of wages

§ 2. (Proposal to add the following:) *No person shall be compelled to labor more than eight hours a day while in employment by or on behalf of the state, a county, town, village, city or municipality, or any civil division thereof, within this state; and no person, contractor or corporation who has a contract, or employment, by or on behalf of the state, a county, city, town, village, municipality, or any civil division thereof, shall compel any person to work more than eight hours a day on said work, contract or employment. The state, a county, city, town, village, municipality, or any civil division thereof, shall pay to each and every person in its employ, the prevailing rate of wages for such work performed. And any person, corporation or company who has a contract, or is employed, by or on behalf of the state, a county, city, town, village, municipality, or any civil division thereof, shall pay the prevailing rate of wages to any person em-*

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ployed on the work by a person, contractor, or company who has work, or a contract, or employment, on behalf of the state, a county, city, town, village, municipality, or any civil division thereof.

1908. A. No. 1996 (Int. 1444).
A. J. 1501.

§ 4. Except the debts specified in sections two and three of this article, no debts shall be hereafter contracted by or on behalf of this State, unless such debt shall be authorized by a law, for some single work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax to pay, and sufficient to pay, the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within eighteen years from the time of the contracting thereof. No such law shall take effect until it shall, at a general election, have been submitted to the people, and have received a majority of all the votes cast for and against it at such election. On the final passage of such bill in either house of the Legislature, the question shall be taken by ayes and noes, to be duly entered on the journals thereof, and shall be: " Shall this bill pass, and ought the same to receive the sanction of the people? "

The Legislature may at any time, after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same; and may at any time, by law, forbid the contracting of any further debt or liability under such law; but the tax imposed by such act, in proportion to the debt and liability which may have been contracted, in pursuance of such law, shall remain in force and be irrepealable, and be annually collected, until the proceeds thereof shall have made the provision hereinbefore specified to pay and discharge the interest and principal of such debt and liability. The money arising from any loan or stock creating such debt or liability shall be applied to the work or object specified in the act authorizing such debt or liability, or for the repayment of such debt or liability, and for no other purpose whatever. No such law shall be submitted to be voted on, within three months after its passage, or at any general election when any other law, or any bill, or any amendment to the Constitution, shall be submitted to be voted for or against.

AMENDMENTS SUBMITTED TO THE PEOPLE AND ADOPTED

§ 4. Except the debts specified in sections two and three of this article, no debts shall be hereafter contracted by or [on] in behalf of this state, unless such debt shall be authorized by a law for some single work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax to pay, and sufficient to pay, the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within [eighteen] fifty years from the time of the contracting thereof. No such law shall take effect until it shall, at a general election, have been submitted to the people, and have received a majority of all the votes cast for and against it at such election. On the final passage of such bill in either house of the legislature, the question shall be taken by ayes and noes, to be duly entered on the journals thereof, and shall be: " Shall this bill pass, and ought the same to receive the sanction of the people? " The legislature may at any time, after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same; and may at any time, by law, forbid the contracting of any further debt or liability under such law; but the tax imposed by such act, in proportion to the debt and liability which may have been contracted, in pursuance of such law, shall remain in force and be irrepealable, and annually collected, until the proceeds thereof shall have made the provision hereinbefore specified to pay and discharge the interest and principal of such debt and liability. The money arising from any loan or stock creating such debt or liability shall be applied to the work or object specified in the act authorizing such debt or liability, or for the [repayment] payment of such debt or liability, and for no other purpose whatever. No such law shall be submitted to be voted on, within three months after its passage or at any general election when any other law, or any bill [or any amendment to the constitution,] shall be submitted to be voted for or against. The legislature may provide for the issue of bonds of the state to run for a period not exceeding fifty years in lieu of bonds heretofore authorized but not issued and shall impose and provide for the collection of a direct annual tax for the payment

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of the same as hereinbefore required. When any sinking fund created under this section shall equal in amount the debt for which it was created, no further direct tax shall be levied on account of said sinking fund and the legislature shall reduce the tax to an amount equal to the accruing interest on such debt.

1903. S. No. 1073 (Int. 39). To Sec. of State.
S. J. 24, 858, 1010, 1213, 1235, 1388, 1560.
A. J. 2777, 2814, 2816.
1905. S. No. 293 (Int. 273). To Sec. of State.
S. J. 113, 304, 333, 354, 361, 900.
A. J. 597, 1277, 1409, 1476, 1530, 1583, 1736, 1867.
Adopted Nov. 7, 1905.
Vote: for, 293,552; against, 127,364.

§ 4. Except the debts specified in sections two and three of this article, no debts shall be hereafter contracted by or in behalf of this state, unless such debt shall be authorized by [a] law, for some single work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax to pay, and sufficient to pay, the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within fifty years from the time of the contracting thereof. No such law shall take effect until it shall, at a general election, have been submitted to the people, and have received a majority of all the votes cast for and against it at such election. On the final passage of such bill in either house of the legislature, the question shall be taken by ayes and noes, to be duly entered on the journals thereof, and shall be: " Shall this bill pass, and ought the same to receive the sanction of the people? " The legislature may at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same; and may at any time, by law, forbid the contracting of any further debt or liability under such law; but the tax imposed by such act, in proportion to the debt and liability which may have been contracted in pursuance of such law, shall remain in force and be irrevocable, and be annually collected, until the proceeds thereof shall have made the provision hereinbefore specified to pay and discharge the interest and principal of such debt and liability. The money arising from any loan or stock creating such debt or liability shall be applied to the work or object specified in the act authorizing such debt or liability, or for the payment of such debt or liability, and for no other purpose whatever.

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No such law shall be submitted to be voted on within three months after its passage or at any general election when any other law, or any bill shall be submitted to be voted for or against. The legislature may provide for the issue of bonds of the state to run for a period not exceeding fifty years in lieu of bonds heretofore authorized but not issued and shall impose and provide for the collection of a direct annual tax for the payment of the same as hereinbefore required. When any sinking fund created under this section shall equal in amount the debt for which it was created, no further direct tax shall be levied on account of said sinking fund, and the legislature shall reduce the tax to an amount equal to the accruing interest on such debt. The legislature may from time to time alter the rate of interest to be paid upon any state debt, which has been or may be authorized pursuant to the provisions of this section, or upon any part of such debt, provided, however, that the rate of interest shall not be altered upon any part of such debt or upon any bond or other evidence thereof, which has been, or shall be created or issued before such alteration. In case the legislature increase the rate of interest upon any such debt, or part thereof, it shall impose and provide for the collection of a direct annual tax to pay and sufficient to pay the increased or altered interest on such debt as it falls due and also to pay and discharge the principal of such debt within fifty years from the time of the contracting thereof, and shall appropriate annually to the sinking fund moneys in amount sufficient to pay such interest and pay and discharge the principal of such debt when it shall become due and payable.

1908. S. No. 863 (Int. 668). (Same as A. No. 1893.) To Sec. of State.
 S. J. 424, 470, 479, 604, 644, 652, 947.
 A. J. 1469, 1627, 1713, 1744, 1786.
 A. No. 1893 (Int. 1179). (Same as S. No. 863.)
 A. J. 836, 1362.
1909. S. No. 242 (Int. 237). To Sec. of State.
 S. J. 119, 572, 605, 638, 641, 876.
 A. J. 1192, 1508, 1608, 1692.
 Adopted Nov. 2, 1909.
 Vote: for, 279,352; against, 216,541.

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AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE**1. Time for payment of state debts**

§ 4. Except the debts specified in sections two and three of this article, no debts shall be hereafter contracted by or **[on]** *in* behalf of this state, unless such debt shall be authorized by a law, for some single work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax to pay, and sufficient to pay, the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within **[eighteen]** *thirty-five* years from the time of the contracting thereof. No such law shall take effect until it shall, at a general election, have been submitted to the people, and have received a majority of all the votes cast for and against it at such election. On the final passage of such bill in either house of the legislature, the question shall be taken by ayes and noes, to be duly entered on the journals thereof, and shall be: "Shall this bill pass, and ought the same to receive the sanction of the people?" The legislature may at any time, after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same; and may at any time, by law, forbid the contracting of any further debt or liability under such law; but the tax imposed by such act, in proportion to the debt and liability which may have been contracted, in pursuance of such law, shall remain in force and be irrepealable, and be annually collected, until the proceeds thereof shall have made the provision hereinbefore specified to pay and discharge the interest and principal of such debt and liability. The money arising from any loan or stock creating such debt or liability shall be applied to the work or object specified in the act authorizing such debt or liability, or for the repayment of such debt or liability, and for no other purpose whatever. No such law shall be submitted to be voted on, within three months after its passage, or at any general election when any other law, or any bill, or any amendment to the constitution, shall be submitted to be voted for or against.

1902. A. No. 1825 (Int. 1323).
A. J. 2344.

§ 4. Except the debts specified in sections two and three of this article, no debts shall be hereafter contracted by or **[on]** *in*

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behalf of this state, unless such debt shall be authorized by a law, for some single work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax to pay, and sufficient to pay, the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within [eighteen] *thirty-five* years from the time of the contracting thereof. No such law shall take effect until it shall, at a general election, have been submitted to the people, and have received a majority of all the votes cast for and against it at such election. On the final passage of such bill in either house of the legislature, the question shall be taken by ayes and noes, to be duly entered on the journals thereof, and shall be: "Shall this bill pass, and ought the same to receive the sanction of the people?" The legislature may at any time, after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same; and may at any time, by law, forbid the contracting of any further debt or liability under such law; but the tax imposed by such act, in proportion to the debt and liability which may have been contracted, in pursuance of such law, shall remain in force and be irrepealable, and be annually collected, until the proceeds thereof shall have made the provision hereinbefore specified to pay and discharge the interest and principal of such debt and liability. The money arising from any loan or stock creating such debt or liability shall be applied to the work or object specified in the act authorizing such debt or liability, or for the repayment of such debt or liability, and for no other purpose whatever. No such law shall be submitted to be voted on, within three months after its passage, or at any general election when any other law *creating a debt*, or any bill, or any amendment to the constitution, shall be submitted to be voted for or against.

1902. S. No. 1273 (Int. 885).
S. J. 1468.

2. Time for paying state debts — creation of debt — when submitted to voters

§ 4. Except the debts specified in sections two and three of this article, no debts shall be hereafter contracted by or [on] *in* behalf of this state, unless such debt shall be authorized by a law, for some single work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual

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tax to pay, and sufficient to pay, the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within [eighteen] *fifty* years from the time of the contracting thereof. No such law shall take effect until it shall, at a general election, have been submitted to the people, and have received a majority of all the votes cast for and against it at such election. On the final passage of such bill in either house of the legislature, the question shall be taken by ayes and noes, to be duly entered on the journals thereof, and shall be: " Shall this bill pass, and ought the same to receive the sanction of the people? " The legislature may at any time, after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same; and may at any time, by law, forbid the contracting of any further debt or liability under such law; but the tax imposed by such act, in proportion to the debt and liability which may have been contracted, in pursuance of such law, shall remain in force and be irrepealable, and be annually collected, until the proceeds thereof shall have made the provision hereinbefore specified to pay and discharge the interest and principal of such debt and liability. The money arising from any loan or stock creating such debt or liability shall be applied to the work or object specified in the act authorizing such debt or liability, or for the [repayment] *payment* of such debt or liability, and for no other purpose whatever. No such law shall be submitted to be voted on, within three months after its passage, [or at any general election when any other law, or any bill, or any amendment to the constitution, shall be submitted to be voted for or against.]

1903. A. No. 73 (Int. 73).

A. J. 44.

3. Creation of debt submitted to taxpayers

§ 4. Except the debts specified in sections two and three of this article, no debts shall be hereafter contracted by or [on] *in* behalf of this state, unless such debt shall be authorized by a law, for some single work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax to pay, and sufficient to pay, the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within eighteen years from the time of the contracting thereof. No such law shall take effect until it shall, at a general election, have been submitted to the [people] *electors of the state whose*

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names appear upon the general assessment rolls of their respective tax districts, and have received a majority of all the votes cast by such electors for and against it at such election. On the final passage of such bill in either house of the legislature, the question shall be taken by ayes and noes, to be duly entered on the journals thereof, and shall be: "Shall this bill pass, and ought the same to receive the sanction of the people?" The legislature may at any time, after the approval of such law by the [people] such electors, if no debt shall have been contracted in pursuance thereof, repeal the same; and may at any time, by law, forbid the contracting of any further debt or liability under such law; but the tax imposed by such act, in proportion to the debt and liability which may have been contracted, in pursuance of such law, shall remain in force and be irrepealable, and be annually collected, until the proceeds thereof shall have made the provisions hereinbefore specified to pay and discharge the interest and principal of such debt and liability. The money arising from any loan or stock creating such a debt or liability shall be applied to the work or object specified in the act authorizing such debt or liability, or for the repayment of such debt or liability, and for no other purpose whatever. No such law shall be submitted to be voted on, within three months after its passage, or at [any] a general election when any other law, or any bill, or any amendment to the constitution, shall be submitted to be voted for or against.

1903. S. No. 284 (Int. 263). (Same as A. No. 495.)

S. J. 104.

A. No. 495 (Int. 452). (Same as S. No. 284.)

A. J. 184.

4. Permitting legislature to alter tax rate to provide for debt authorized by vote of people

§ 4. (Proposal to add the following to section four as amended in 1909:) *In case any annual tax heretofore imposed for the payment of a debt authorized by vote of the people under the constitution will, if continued, provide for the payment of the interest on such debt as it falls due and also the payment of the principal of such debt before it becomes due, the legislature may amend the law by reducing the rate of such tax provided that the same shall not be reduced below a sum sufficient to pay the interest on such debt as it falls due and also the principal of such debt when it becomes due.*

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The supreme court shall have jurisdiction to direct the comptroller or any officer of the state to impose a tax sufficient to comply with the provisions of this section for the protection of any sinking fund of the state.

1914. S. No. 1619 (Int. 1306).

S. J. 795, 1071, 1211.

5. Initiative and referendum

(For amendment to this and other sections to provide for the initiative, and the referendum, see p. 271.)

6. Initiative, referendum and recall

(For amendment to this and other sections to provide for the initiative, the referendum and the recall of elective officers, see p. 293.)

§ 7. The lands of the State, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed.

AMENDMENT SUBMITTED TO THE PEOPLE AND ADOPTED

§ 7. The lands of the state, now owned or hereafter acquired constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed. But the legislature may by general laws provide for the use of not exceeding three per centum of such lands for the construction and maintenance of reservoirs for municipal water supply, for the canals of the state and to regulate the flow of streams. Such reservoirs shall be constructed, owned and controlled by the state, but such work shall not be undertaken until after the boundaries and high flow lines thereof shall have been accurately surveyed and fixed, and after public notice, hearing and determination that such lands are required for such public use. The expense of any such improvements shall be apportioned on the public and private property and municipalities benefited to the extent of the benefits received. Any such reservoir shall always be operated by the state and the legislature shall provide for a charge upon the property and municipalities benefited for a reasonable return to the state upon the value of the rights and prop-

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erty of the state used and the services of the state rendered, which shall be fixed for terms of not exceeding ten years and be readjustable at the end of any term. Unsanitary conditions shall not be created or continued by any such public works. A violation of any of the provisions of this section may be restrained at the suit of the people or, with consent of the supreme court in appellate division, on notice to the attorney-general at the suit of any citizen.

1911. S. No. 1930 (Int. 1068). To Sec. of State.
S. J. 673, 1186, 1320, 1639, 1792, 2133.
A. J. 3260, 3641, 3647, 3653.

1913. S. No. 1006 (Int. 910). To Sec. of State.
S. J. 335, 919, 1113, 1302, 1303, 1848.
A. J. 2560, 3131, 3148, 3185.

Adopted Nov. 4, 1913.

Vote: for, 486,264; against, 187,290.

AMENDMENT SUBMITTED TO THE PEOPLE BUT REJECTED

1. Lease, exchange and sale of state land in forest preserve

§ 7. The lands of the State, now owned or hereafter acquired, constituting the Forest Preserve as now fixed by law, shall be forever kept as wild forest lands. *Except as authorized by this section, they [They] shall not be leased, sold or exchanged, [or] to be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed. The Legislature may authorize the leasing for such term as it may by law fix of a parcel of not more than five acres of land in the Forest Preserve to any one person, for camp and cottage purposes. The Legislature may also authorize the exchange of lands owned by the State, situate outside the Forest Preserve, for lands not owned by the State, situate within the Forest Preserve. The Legislature may also authorize the sale of lands belonging to the State, situate outside the Forest Preserve, but the money so obtained shall not be used except for the purchase of lands situate within the Forest Preserve, and which, when so purchased, shall become a part of the Forest Preserve.*

1895. S. No. 628 (Int. 320). To Sec. of State.
S. J. 207, 335, 357, 423, 475, 600, 642, 1032.
A. J. 1468, 2027, 2151, 2234.

1896. S. No. 970 (Int. 788). To Sec. of State.
S. J. 618, 1542, 1659, 1673, 2124.
A. J. 3499, 3741.

Rejected Nov. 3, 1896.

Vote: for, 321,486; against, 710,505.

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AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE**1. Use of forest preserve for water storage**

§ 7. The lands of the state now owned or hereafter acquired constituting the forest preserve as now fixed by law *excepting such lands as the legislature shall provide by law shall necessarily be used for the storage of water for public purposes and the construction of dams therefor*, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed.

1906. S. No. 1287 (Int. 942). (Same as A. No. 2255.) To Sec. of State.
S. J. 1148, 1533, 1595, 1670, 1931.

A. J. 3010, 3189, 3202.

A. No. 2255 (Int. 1586). (Same as S. No. 1287.)

A. J. 2286.

1907. S. No. 337 (Int. 308). (Same as A. Nos. 411 and 582.)

S. J. 140.

A. No. 411 (Int. 404). (Same as S. No. 337 and A. No. 582.)

A. J. 109.

A. No. 582 (Int. 554). (Same as S. No. 337 and A. No. 411.)

A. J. 196.

§ 7. (Proposal to add the following:) *except that the legislature may authorize by law the use of such lands situated outside of the limits of the Adirondack park and of the Catskill park, as such parks are now fixed and established by law, for building dams, reservoirs and appurtenances, for the storage of water outside of said parks, for public purposes, after causing the removal of all timber embraced thereby; and such dams, reservoirs and appurtenances, with the power developed therefrom, shall be owned and controlled by the state, and the waters and the use of the waters, and the power, developed therefrom, may be sold or leased for value, by the state, for the benefit of the people of the state. A violation of this section may be restrained at the suit of the people, or with the consent of the supreme court on notice to the attorney-general, at the suit of any citizen of the state.*

1908. S. No. 1070 (Int. 818). (Same as A. No. 2069.) To A.
S. J. 685, 813, 880, 993.

A. J. 2125.

A. No. 2069 (Int. 1474). (Same as S. No. 1070.)

A. J. 1619.

§ 7. (Proposal to add the following:) *The provisions of this section may be modified as provided in chapter — of the laws*

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of nineteen hundred and ten as to the use of state lands for water storage, but in no other respect whatever.

1910. S. No. 919 (Int. 826). (Same as A. No. 1745.)

S. J. 520.

A. No. 1745 (Int. 1330). (Same as S. No. 919.)

A. J. 1219.

§ 7. (Proposal to add the following:) *But the legislature may provide by general laws for the construction and maintenance of reservoirs under state control on such lands whenever the storage of water is necessary for municipal water supply, for the canals of the state or to regulate the flow of streams. No reservoir shall be erected under any such law until after the appellate division of the supreme court for the department in which it is to be located shall after a hearing adjudge the use of state land therefor necessary for the public welfare. The people and, with the consent of the court, private persons may come in as parties to the proceeding and the court may impose such conditions as in its judgment the public interest requires. The judgment may be reviewed by the court of appeals. If rights or property of the state be taken or used for any such improvement other than for the canals, the value thereof or of their use shall be a charge upon the property or municipality directly benefited and must be paid into the state treasury in gross or by annual fixed charge as shall be provided by law. The expense of any such improvement to regulate the flow of streams shall so far as it improves private property be borne by such property to the extent of the benefits received. Unsanitary conditions shall not be created or continued by any such reservoir. A violation of this section may be restrained at the suit of the people or with the consent of the supreme court in appellate division on notice to the attorney-general at the suit of a citizen.*

1910. A. No. 829 (Int. 730). To S. Amended, S. No. 1529. To Sec. of State.

A. J. 404, 1271, 1473, 1507, 1627, 1780, 1857, 3250.

S. J. 903, 1127, 1227, 1383, 1535, 1642, 1709, 1755, 1756.

1911. S. No. 796 (Int. 723). (Same as A. No. 2323.)

S. J. 406.

A. No. 2323 (Int. 1039). (Same as S. No. 796.)

A. J. 792, 2136, 2141.

2. Sale of lands in forest preserve

§ 7. The lands of the state, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be for-

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ever kept as wild forest lands, *except as hereinafter provided*. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed. *The legislature may authorize the sale of lands outside of the limits of the Adirondack park and the Catskill park as such parks are now established by law. The proceeds of such sales shall be set apart in a separate fund and used only for the purchase of lands in such parks.*

1907. S. No. 1035 (Int. 834). To A. Amended, A. No. 2758.
S. J. 654, 1093, 1136, 1165.
A. J. 2421, 2566, 2570, 3019, 3069, 3288, 3331.

§ 7. (Proposal to add the following:) *But the state conservation commission may, with the approval of the governor, sell and convey isolated parcels of land now owned or hereafter acquired by the state which may be required for any other state purpose or by any municipality of the state for public use, provided that such isolated parcels are situated wholly outside the boundaries of the Adirondack and Catskill parks as now defined by law, and the proceeds from lands so sold and conveyed shall only be used by the state in acquiring lands situated wholly within the boundaries of said Adirondack and Catskill parks.*

1913. S. No. 1451 (Int. 1261). (Same as A. No. 1052.)
S. J. 559.
A. No. 1052 (Int. 1000). (Same as S. No. 1451.) To S.
A. J. 396, 2622, 2637, 2658, 2694.
S. J. 1577.

3. Use of forest preserve lands for water storage, hydro-electric development and state highways — sale and lease of lands — removal of dead and down timber

§ 7. [The] *Except as in this section hereinafter provided, the lands of the state, now owned or hereafter acquired[,] constituting the forest preserve as now fixed by law[,] shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed. The foregoing provisions of this section shall not prevent the use of lands in the forest preserve, or the timber thereon, for the following purposes:*

1. *Lands in the forest preserve may be used for the storage of water and the development of water power and the transmission of electric current under state control, and for that purpose the legis-*

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lature may authorize the use of land for the erection and maintenance of dams, the impounding of water and all other improvements thereon necessary and incidental to such purposes, provided, however, that the quantity of land so used shall never exceed three per centum of the total area of the forest preserve.

2. Lands in the forest preserve may be used for the construction of highways by and at the expense of the state.

3. The forest, fish and game commissioner, with the approval of the governor, may lease for periods not longer than ten years sites of not more than five acres each for camps within the forest preserve.

4. The forest, fish and game commissioner may remove and dispose of dead and down timber in the forest preserve.

5. The forest, fish and game commissioner may, with the approval of the governor, sell and convey lands now owned or hereafter acquired by the state, which are situated wholly outside the boundaries of the Adirondack and Catskill parks, as now defined by law, and the proceeds from lands so sold and conveyed shall only be used by the state in acquiring lands situated wholly within the boundaries of said parks.

1910. S. No. 439 (Int. 423).

S. J. 192.

4. Cutting of timber, construction of highways and lease and sale of lands within forest preserve

§ 7. The lands of the state now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands. *Except as authorized by this article, they [They]* shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed.

The foregoing provisions shall not be construed to forbid the cutting of timber, according to a system of scientific forestry and under such rules and regulations as the commission having charge of the forest preserve may adopt, nor to forbid the laying out of roads along such routes as may be approved by said commission, or the control of the use of such roads by it. But no steam railroads shall be constructed or operated upon state lands in said forest preserve.

The prohibition to lease herein contained shall not apply to camp sites, but no camp site shall exceed two acres in extent. Not

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more than two hundred and fifty feet of shore line on any lake or river shall be leased to any one lessee nor shall more than one-half of such shore line nor more than one-half of any island be leased. Leases shall not be made for a longer period than twenty years. They shall be sold to the highest bidder and shall not grant any exclusive hunting or fishing privilege nor permit the inclosure of lands with a fence nor contain any restriction of the right of the public to cross the premises. Between each two camp sites there shall be at least two hundred and fifty feet of shore line which shall not be leased.

All funds derived from the sale of timber or other produce or from leases of state lands shall be applied to the purchase of forest lands within the boundaries of the Adirondack park, the expense of tree planting and reforesting, and of carrying out the plans approved hereunder by the commission having charge of the forest preserve.

The legislature may authorize the sale of state lands outside of the Adirondack park and adjacent thereto, and the application of the proceeds of such sale to the purchase of lands within the Adirondack park.

Laws shall be made to provide for the carrying into effect of this section.

1902. A. No. 1276 (Int. 574).

A. J. 329, 1046, 1175, 1306, 1470.

5. Sale of lands and removal of dead timber in forest preserve

§ 7. The lands of the state, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands, *except as hereinafter provided*. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed. *The legislature may authorize the removal of dead timber on burned areas so far as necessary for reforestation, through officers and employees of the state, but not by contract. The legislature may also authorize the sale of lands outside of the limits of the Adirondack park and the Catskill park as such parks are now established by law. The proceeds of such sales shall be set apart in a separate fund and used only for the purchase of lands in such parks. A violation of this section may be restrained at the suit of the people or with the con-*

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sent of the supreme court on notice to the attorney-general at the suit of any citizen of the state.

1904. S. No. 1013 (Int. 783). To Sec. of State.
S. J. 718, 797, 879, 906, 1054, 1691.
A. J. 2419, 2483.

6. **Sale, lease or exchange of lands in and cutting of timber on forest preserve in Lewis county**

§ 7. *Except as provided in this section, the [The] lands of the state, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands. Except as provided in this section, they [They] shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed. The legislature may provide by law for the sale, lease or exchange of lands in the county of Lewis, constituting a part of the forest preserve, or may authorize the cutting and removal of timber thereon to an extent which will not impair their character as wild forest lands.*

1901. A. No. 755 (Int. 680).
A. J. 389, 921, 969, 1018.

7. **Sale and removal of soft woods and building of roads in forest preserve**

§ 7. The lands of the state, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands. *Except as authorized by this article, they [They] shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed. The legislature may authorize the sale and removal of hemlock, spruce, pine, balsam or other soft woods if more than ten inches in diameter three feet from the ground. The proceeds of such sales shall be set apart in a separate fund known as the forest preserve fund, and shall be used only to care for and extend the forest of the state in the forest preserve. Roads may be built in the forest preserve, but franchises shall not be granted for railroads or street surface railroads upon or across any part of the forest preserve, nor shall such railroads be maintained.*

1902. S. No. 1163 (Int. 159). To A. Recalled to S.
S. J. 54, 436, 686, 741, 846, 848, 985, 1006, 1019, 1220, 1419.
A. J. 1489, 1746.

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8. Removal of dead, burned or fallen timber in forest preserve

§ 7. The lands of the state, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor, *except as provided herein*, shall the timber thereon be sold, removed or destroyed. *The legislature, however, may provide for the removal and sale of fallen, dead and burned timber on lands constituting the forest preserve, under the supervision of the forest, fish and game commission.*

1909. A. No. 1617 (Int. 637). To S. Amended, S. No. 1546. To Sec. of State.

A. J. 360, 898, 980, 1014, 1161, 1245, 2622, 2738.

S. J. 689, 988, 1155, 1252, 1407, 1436, 1557, 1561, 1571.

9. Exception of certain parts of forest preserve from preservation as wild forest lands — removal of dead, burned and fallen timber

§ 7. The lands of the state, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, *excepting isolated tracts of lands within the counties containing any portion of the Adirondack park and not included within the limits of such park as now constituted*, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber [thereon] on any such lands be sold, removed or destroyed, *except that dead, burned or fallen timber on such lands may be sold and removed in the manner prescribed by the legislature.*

A. No. 113 (Int. 113).

A. J. 65.

10. Use of St. Lawrence river and forest preserve for water storage and power development

§ 7. (Proposal to add the following:) *But this section shall not prevent the use of the waters of the Saint Lawrence river for canals, municipal purposes and hydraulic developments on, over or through such lands by the state, or under privileges granted in accordance with this constitution; and the legislature may provide by general laws for the construction and maintenance of reservoirs by the state, on so much of such lands as may be necessary, whenever the storage of water is necessary for municipal water supply, for the canals of the state, or to regulate the flow of streams. No reservoir shall be erected under any such law until after public notice, hearing and determination in the*

manner to be provided by law, by which it shall appear that such lands are required for such public use. Where property of the state is used for such reservoirs, the value of its use shall be a charge upon any private property or municipality directly benefited, and in proportion to the benefits received as nearly as same can be ascertained. Such value shall be paid into the state treasury in annual returns and be readjustable at the end of every ten-year period at the instance of the state, or of the owners of the property or municipality benefited. Any violation of the prohibitions of this section may be restrained at the suit of the people, or with consent of the supreme court in appellate division, on notice to the attorney-general, at the suit of a citizen.

1911. A. No. 1725 (Int. 1479).
A. J. 1358.

11. Use of forest preserve for conservation and utilization of water

§ 7. (Proposal to add the following:) *Such lands may, however, be used by the state for the development of sources, conservation or utilization of water or regulation of its flow.*

1912. A. No. 561 (Int. 538).
A. J. 166.
1913. A. No. 703 (Int. 677). (Same as A. No. 1313.)
A. J. 228.
A. No. 1313 (Int. 1214). (Same as A. No. 703.)
A. J. 562.

12. Use of forest preserve for water storage or forestation

§ 7. (Proposal to add the following:) *Such lands may, however be used by the state for the construction and maintenance of water storage reservoirs for the development or conservation or utilization of water or regulation of its flow, or for the purposes of forestation.*

1912. S. No. 1271 (Int. 344).
S. J. 92, 661.

13. Use of forest preserve lands for erection of state tuberculosis sanitarium

§ 7. *Except as herein provided, the [The] lands of the state now owned or hereafter acquired constituting the forest preserve, as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or [be] taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed. The legislature may set apart a tract of*

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land of the state not to exceed in area one thousand acres for the erection and maintenance thereon of a state hospital or sanitarium for the treatment and care of persons afflicted with pulmonary tuberculosis.

1911. A. No. 338 (Int. 337).
A. J. 160.

14. Restriction on disposal of water and water rights

§ 7-a. (Proposal to add the following new section:) *The people of this state in their right of sovereignty do possess the original and ultimate property of the waters in and to all rivers, lakes, streams and tributaries within the state of New York, and it shall remain the property of the state and under its management forever.*

§ 2. *The state shall not lease or otherwise dispose of the waters of any river, lake, stream or tributary for water power for a period of more than ten years, except that the state may lease, contract or otherwise dispose of the waters of the rivers, lakes, streams and tributaries for the purpose of supplying water to the inhabitants of the state of New York.*

1909. A. No. 418 (Int. 404).
A. J. 224.

15. Removal of mature, dead or fallen timber — lease of camp sites — construction of roads or trails — sale of lands outside Adirondack or Catskill parks

§ 7-a. (Proposal to add the following new section:) *The prohibition of section seven shall not prevent the cutting or removal of mature, dead or fallen timber or trees detrimental to forest growth, on lands constituting the forest preserve, nor the leasing of camp sites and the construction of roads and trails necessary for protection against fire, and for ingress and egress. The legislature may authorize the sale of lands outside the limits of the Adirondack park and the Catskill park as such parks are now established by law. The proceeds of such sales of lands shall be set apart in a separate fund and used only for the purchase of lands or for reforestation in such parks.*

1913. A. No. 2765 (Int. 1425). (Substituted for S. No. 2455.) To Sec. of State.
A. J. 724, 2801, 2811, 3069, 3224, 3605.
S. J. 1979, 2012, 2013.
S. No. 2455 (Int. 1814). (A. No. 2765 substituted.)
S. J. 1738, 1855, 1979.

16. Lease of camp sites in forest preserve

§ 7-a. (Proposal to add the following new section:) *The legislature may authorize the leasing of lots containing not more than two acres of land in the forest preserve for camp and cottage purposes, but such leases shall not be for more than twenty years, shall be let to the highest bidder therefor at the capitol, and the rents shall be available only for the care and extension of the forest preserve.*

1902. S. No. 389 (Int. 333).
S. J. 165.

§ 8. The Legislature shall not sell, lease or otherwise dispose of the Erie canal, the Oswego canal, the Champlain canal, the Cayuga and Seneca canal, or the Black river canal; but they shall remain the property of the state and under its management forever. The prohibition of lease, sale or other disposition herein contained, shall not apply to the canal known as the Main and Hamburg street canal, situated in the city of Buffalo, and which extends easterly from the westerly line of Main street to the westerly line of Hamburg street. All funds that may be derived from any lease, sale or other disposition of any canal shall be applied to the improvement, superintendence or repair of the remaining portion of the canals.

AMENDMENT SUBMITTED TO THE PEOPLE BUT REJECTED

1. Prohibiting sale of canals, docks, terminals, etc.

§ 8. The legislature shall not sell, lease or otherwise dispose of the Erie canal, the Oswego canal, the Champlain canal, the Cayuga and Seneca canal, [or] the Black River canal[;] or any part of said canals, or any lands, slips, docks, or other structures, basins, harbors, or terminals connected with and appurtenant to said canals hereafter provided, acquired or constructed by the state to aid commerce upon said canals, or upon tide waters, lakes, or canalized waterways, including all that portion of the Erie canal in the city of Buffalo from the guard lock therein to and including Commercial slip and the slips leading from the canal to the Erie basin, but they shall remain the property of the state and under its management forever. The word "canal," as used herein, includes slips, harbors and the canals as constructed and improved under and pursuant to chapter one hundred and forty-seven of the laws of nineteen hundred and three, as heretofore amended, and under

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and pursuant to chapter three hundred and ninety-one of the laws of nineteen hundred and nine. No part of any of the said canals nor of said lands, slips, docks, or other structures, basins, harbors or terminals, shall be abandoned, until the same shall have ceased to be a portion thereof and shall have been declared abandoned by an act of the legislature, based upon a certificate of the canal board, that it is no longer a portion thereof. All funds that may be derived from any lease, sale or other disposition of any canal not above mentioned, or of any part of the canals, lands, slips, docks, or other structures, basins, harbors or terminals, which shall have ceased to be a portion thereof and declared abandoned, as above provided, shall be applied to the improvement, superintendence or repair of the remaining canals. [The prohibition of lease, sale or other disposition herein contained, shall not apply to the canal known as the Main and Hamburg street canal, situated in the city of Buffalo, and which extends easterly from the westerly line of Main street to the westerly line of Hamburg street. All funds that may be derived from any such lease, sale or other disposition of any canal shall be applied to the improvement, superintendence or repair of the remaining portions of the canals.]*

1910. S. No. 1567 (Int. 1128). To A. Amended, A. No. 2669. To Sec. of State.

S. J. 1211, 1290, 1468, 1554, 1643, 1975, 2017, 2018.
A. J. 3187, 3267, 3276, 3605, 3612, 3630, 3681, 3682.

1911. S. No. 190 (Int. 186). To Sec. of State.

S. J. 77, 1299, 1754, 1892, 2428.
A. J. 3361, 3928, 3934, 3969.

Rejected Nov. 7, 1911.

Vote: for, 282,893; against, 324,465.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Disposal of canals to United States

§ 8. The legislature shall not sell, lease or otherwise dispose of the Erie canal, the Oswego canal, the Champlain canal, the Cayuga and Seneca canal, or the Black River canal; but they shall remain the property of the State and under its management forever. The prohibition of lease, sale or other disposition herein contained, shall not apply to the canal known as the Main and Hamburg Street canal, situated in the city of Buffalo, and which extends easterly from the westerly line of Main street to the westerly line of Hamburg street; *nor shall such prohibition apply to the sale, lease or other disposition of said canals, or either of them to the United*

* Word "such" not in original constitution.

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States upon such terms as may be mutually agreed upon, and upon the express condition that the United States shall improve, maintain and operate the same as a free public waterway, and, in case of failure by the United States so to do, that the said canals, or either of them, together with all improvements made thereon, shall revert to and again become the property of the state of New York. All funds that may be derived from any lease, sale or other disposition of any canal shall be applied to the improvement, superintendence or repair of the remaining portion of the canals.

1898. S. No. 913 (Int. 111). (Same as A. No. 1848.)
 S. J. 62, 174, 664, 939, 1010, 1011, 1017, 1078, 1194, 1240.
 A. No. 1848 (Int. 304). (Same as S. No. 913.)
 A. J. 120, 2042, 2252.
 1900. A. No. 1796 (Int. 1391).
 A. J. 1420.

2. Sale or other disposition of canals

§ 8. [The legislature shall not sell, lease or otherwise dispose of the Erie canal, the Oswego canal, the Champlain canal, the Cayuga and Seneca canal, or the Black river canal; but they shall remain the property of the state and under its management forever. The prohibition of lease, sale or other disposition herein contained, shall not apply to the canal known as the Main and Hamburg street canal, situated in the city of Buffalo, and which extends easterly from the westerly line of Main street to the westerly line of Hamburg street. All funds that may be derived from any lease, sale or other disposition of any canal shall be applied to the improvement, superintendence or repair of the remaining portion of the canals.] *The legislature may provide by law for the sale or other disposition of the Erie canal, the Oswego canal, the Champlain canal, the Cayuga and Seneca canal and the Black river canal, and of all the rights, easements, appurtenances and other property belonging to the state, connected with the use of such canals.*

1901. A. No. 50 (Int. 50).
 A. J. 69.

3. Abandonment of canals and construction of railroad along beds or banks

§ 8. (Proposal to add the following:) *But nothing contained in this section shall prohibit the abandonment of the Erie canal, and the construction by the state of a steam surface railroad, along the banks and in the bed of such canal. The legislature shall provide by law for the construction of such railroad, consisting of not*

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less than four tracks, and for the lease thereof to the person or corporation who shall agree to transport freight at the lowest rate for each ton or for each one hundred pounds from the city of Buffalo to the city of New York and to and from the intermediate points along such railroad.

1903. A. No. 363 (Int. 351).

A. J. 133.

(For the remainder of this resolution, see proposed amendments to §§ 9 and 10 of this article, p. 190.)

§ 8. [The legislature shall not sell, lease or otherwise dispose of the Erie canal, the Oswego canal, the Champlain canal, the Cayuga and Seneca canal, or the Black River canal; but they shall remain the property of the state and under its management forever. The prohibition of lease, sale or other disposition herein contained, shall not apply to the canal known as the Main and Hamburg street canal, situated in the city of Buffalo, and which extends easterly from the westerly line of Main street to the westerly line of Hamburg street. All funds that may be derived from any lease, sale or other disposition of any canal shall be applied to the improvement, superintendence or repair of the remaining portions of the canals.] *The legislature is hereby authorized to abandon the canals for the purposes of water navigation and to provide for the construction of one or more railway tracks at state expense, exclusively for freight, upon or substantially along the bed of such canals, to be equipped, maintained and operated or leased under such regulations as the legislature may provide.*

1902. A. No. — (Int. —).

A. J. 2936.*

§ 8. [The legislature shall not sell, lease or otherwise dispose of the Erie canal, the Oswego canal, the Champlain canal, the Cayuga and Seneca canal, or the Black river canal; but they shall remain the property of the state and under its management forever. The prohibition of lease, sale or other disposition herein contained, shall not apply to the canal known as the Main and Hamburg street canal, situated in the city of Buffalo, and which extends easterly from the westerly line of Main street to the westerly line of Hamburg street. All funds that may be derived from any lease, sale or other disposition of any canal shall be

* This proposed amendment was apparently never printed.

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applied to the improvement, superintendence or repair of the remaining portion of the canals.] *The legislature may declare abandoned such portion or portions of the canals as it deems advisable, and may provide for the construction, equipment and operation of a railroad for the transportation of freight upon the route of any canal or portion thereof so abandoned. Such railroad may be constructed and operated by the state, or the legislature may grant the privilege of constructing and operating such railroad to any person or corporation, subject to such restrictions as the legislature may determine, or the legislature may provide that such railroad shall be constructed by the state and may lease the privilege of equipping and operating such railroad to any person or corporation, subject to like restrictions.*

1905. S. No. 930 (Int. 731).
S. J. 566.

4. Disposition of Black river canal north of Boonville

§ 8. The legislature shall not sell, lease or otherwise dispose of the Erie canal, the Oswego canal, the Champlain canal, the Cayuga and Seneca canal, or *that portion of the Black river canal south of the northern boundary line of the village of Boonville*; but they shall remain the property of the state and under its management forever. The prohibition of lease, sale or other disposition herein contained, shall not apply to the canal known as the Main and Hamburg street canal, situated in the city of Buffalo, and which extends easterly from the westerly line of Main street to the westerly line of Hamburg street, *nor to that portion of the Black river canal north of the northern boundary line of the village of Boonville. The canal board may, in its discretion, declare abandoned such portion or portions of the said Black river canal, north of the northern boundary line of the village of Boonville, as it may deem advisable.* All funds that may be derived from any lease, sale or other disposition of any canal shall be applied to the improvement, superintendence or repair of the remaining portion of the canals.

1906. S. No. 561 (Int. 493). (Same as A. No. 1027.)
S. J. 282.
A. No. 1027 (Int. 862). (Same as S. No. 561.)

§ 8. The legislature shall not sell, lease or otherwise dispose of the Erie canal, the Oswego canal, the Champlain canal, the Cayuga and Seneca canal, or *that portion of the Black River canal*

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south of the northern boundary line of the village of Boonville as the same is now constituted; but they shall remain the property of the state and under its management forever. The prohibition of lease, sale or other disposition herein contained, shall not apply to the canal known as the Main and Hamburg street canal, situated in the city of Buffalo, and which extends easterly from the westerly line of Main street to the westerly line of Hamburg street, nor to that portion of the Black River canal north of the northern boundary line of the village of Boonville. The canal board may, in its discretion, declare abandoned such portion or portions of the Black River canal north of the northern boundary line of the village of Boonville, as it may deem advisable. All funds that may be derived from any lease, sale or other disposition of any canal shall be applied to the improvement, superintendence or repair of the remaining portions of the canals.

1907. A. No. 1430 (Int. 1185).

A. J. 826.

5. Grants of surplus waters of canals and navigable waters and lands thereunder

§ 8. (Proposal to add the following:) *Privileges to use the surplus waters of the canals and canalized streams forming part of the canal system, including state right of diversion, but subject to the needs of navigation together with lands acquired by the state for utilizing its surplus waters, may be granted, but only under general laws, and for terms not exceeding fifty years from the date of the grant. Payment into the state treasury of an annual return for the value of such use shall be required and shall be readjustable at the end of every ten-year period at the instance of the state or the user.*

Privileges to use for hydraulic power the waters of navigable natural streams, including the Saint Lawrence river, but excluding other waters on state lands within the forest preserve, may be granted but only under general laws, and for terms not exceeding fifty years from the date of the grant, and, subject to the jurisdiction of congress, provision for navigation in such waters shall be such as the legislature may impose, and a separate annual tax for general state purposes shall be imposed upon such privileges according to valuations made by a board of state officers, and such privileges shall be exempt from all other taxation.

No tax or assessment shall be levied on lands under natural waters or streams, tidal or fresh, which lie below the ordinary high

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water mark of such waters and below the head of the navigable limits thereof, as private property; and no grant conveying title of the state to such lands under water shall hereafter be made. No presumption of a grant of title or of any right to use for private purposes public lands or lands under waters in which any right of public user exists, shall arise from any prior private use thereof. No sale or other transfer of a privilege granted to any person or corporation to use such public waters or lands thereunder shall be made except with the approval of the authorities empowered under general laws to make grants of such privileges. Except as limited in this constitution, the state may use any public lands and waters for producing electric light, heat and power for state use or for sale to municipalities for their use, or for distribution and sale by them; and provisions shall be made by law for acquiring private lands necessary for the utilization of public lands and waters for that purpose.

The legislature may provide by general laws for the construction and maintenance of reservoirs for municipal water supply, for the canals of the state, and to regulate the flow of streams. Such reservoirs shall be constructed, owned and controlled by the state, but such work shall not be undertaken until after public notice, hearing and determination that such works are required for public benefit. The expense of any such improvement shall be apportioned on the public and private property and municipalities benefited to the extent of the benefits received. Any such reservoirs shall be operated by the state, and the legislature shall provide for a charge upon the property and municipalities benefited for a reasonable return to the state upon the value of the rights and property of the state used and services of the state rendered, which shall be fixed for terms not exceeding ten years and be readjustable at the end of any term.

1911. S. No. 1712 (Int. 1405).
S. J. 1205, 1536.

§ 8. (Proposal to add the following:) *Privileges to use the surplus waters of the canals and canalized streams forming part of the canal system including state rights of diversion, but subject to the needs of navigation, may be granted but only under authority of general laws and after public notice and hearing thereunder and for terms not exceeding fifty years from the date of the grant. Payment into the state treasury of an annual return for the value*

of such use shall be required and shall be readjustable at the end of every ten-year period at the instance of the state or the user. Private lands necessary for utilizing such surplus waters may be acquired by the state and, when so required, privileges to use such lands may be granted together with privileges to use such waters but by the authority and under the conditions herein prescribed.

Privileges to impound or divert the waters of navigable natural streams including the Saint Lawrence river but excluding other waters on state lands within the forest preserve, may be granted but only under authority of general laws and after public notice and hearing thereunder and for terms not exceeding fifty years from the date of the grant and provision for navigation shall, subject to the jurisdiction of congress, be such as the legislature may impose and a separate annual tax for general state purposes shall be imposed upon such privileges and provision shall be made for the valuing thereof by a board of state officers and a privilege so granted shall be exempt from all other taxation. No waters referred to in this section shall, except to the extent authorized under unexpired or irrevocable grants, if any, heretofore lawfully made, be drawn, impounded or diverted for private use unless hereafter authorized by grants made as herein prescribed. No tax or assessment shall be levied on lands under natural waters or streams which lie below the ordinary high water mark thereof and below the head of the navigable limits thereof, as private property. No grant conveying title of the state to such lands under water, tidal or fresh, shall hereafter be made. No presumption of a grant of title or of any right to use for private purposes public lands or lands under waters in which any right of public user exists, shall arise from any prior private use thereof and no sale or other transfer of a privilege granted to any person or corporation to use such public waters or lands thereunder shall be made except with the approval of the authorities empowered under general laws to make grants of such privileges. Except as limited in this constitution, the state may use any public lands and waters for producing electric light, heat and power for state use or for sale to municipalities for their use or for distribution and sale by them and the state may acquire private lands necessary for the utilization of public lands and waters for that purpose.

1911. A. No. 1725 (Int. 1470).

A. J. 1358.

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6. Repeal

The following proposals to repeal Art. VII, § 8, were introduced:

1901. S. No. 4 (Int. 4).
 S. J. 42.
 A. No. 7 (Int. 7).
 A. J. 53, 73.
 1902. S. No. 119 (Int. 119).
 S. J. 42.
 1903. S. No. 137 (Int. 134).
 S. J. 56.

§ 9. No tolls shall hereafter be imposed on persons or property transported on the canals, but all boats navigating the canals and the owners and masters thereof, shall be subject to such laws and regulations as have been or may hereafter be enacted concerning the navigation of the canals. The Legislature shall annually, by equitable taxes, make provision for the expenses of the superintendence and repairs of the canals. All contracts for work or materials on any canal shall be made with the persons who shall offer to do or provide the same at the lowest price, with adequate security for their performance. No extra compensation shall be made to any contractor; but if, from any unforeseen cause, the terms of any contract shall prove to be unjust and oppressive, the canal board may, upon the application of the contractor, cancel such contract.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Legislature to regulate canal tolls

§ 9. [No tolls shall hereafter be imposed on persons or property transported on the canals, but all] *All* boats navigating the canals, and the owners and masters thereof, shall be subject to such laws and regulations as have been or may hereafter be enacted concerning the navigation of the canals. The legislature shall annually, by equitable taxes, make provision for the expenses of the superintendence and repairs of the canals. All contracts for work or materials on [any] *the* canals shall be made with the persons who shall offer to do or provide the same at the lowest price, with adequate security for their performance. No extra compensation shall be made to any contractor; but, if, from any unforeseen cause, the terms of any contract shall prove to be unjust and oppressive, the canal board may, upon the application of the contractor, cancel such contract. *The legislature may make provision for tolls to be imposed on persons and property to be trans-*

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ported on the canals, and may fix the amount and regulate the manner of the payment thereof.

1903. A. No. 1048 (Int. 852). To S.
A. J. 630, 1711, 1797, 1839, 1954.
S. J. 972.

2. Abandonment of canals and construction of railroad along beds or banks

§ 9. No toll shall hereafter be imposed on persons or property transported on the canals, but all boats navigating the canals, and the owners and masters thereof, shall be subject to such laws and regulations as have been or may hereafter be enacted concerning the navigation of the canals. The legislature shall annually, by equitable taxes, make provision for the expenses of the [superintendence] *superintendents* and repairs of the canals, *and any railroad constructed upon the banks or bed of the Erie canal*. All contracts for work or materials on any canal *or any railroad constructed upon the banks or bed of the Erie canal*, shall be made with the persons who shall offer to do or provide the same at the lowest price, with adequate security for their performance. No extra compensation shall be made to any contractor; but, if, from any [unforeseen] *unforeseen* cause, the terms of any contract shall prove to be unjust and oppressive, the canal board may, upon the application of the contractor, cancel such contract.

1903. A. No. 363 (Int. 351).
A. J. 133.

(For the remainder of this resolution, see proposed amendments to §§ 8 and 10 of this article, p. 184, and below, this page.)

3. Biennial sessions of legislature — United States deposit fund

(For proposed amendment to this and other sections to provide for biennial sessions of the legislature and regulating the use of the United States deposit fund for educational purposes, see p. 314.)

§ 10. The canals may be improved in such manner as the Legislature shall provide by law. A debt may be authorized for that purpose in the mode prescribed by section four of this article, or the cost of such improvement may be defrayed by the appropriation of funds from the state treasury, or by equitable annual tax.

AMENDMENT PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Abandonment of canals and construction of railroad along beds or banks

§ 10. The canals *or any railroad constructed upon the banks or bed of the Erie canal*, may be improved in such manner as the legislature shall provide by law. A debt may be authorized for-

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that purpose in the mode prescribed by section four of this article, or the cost of such improvement may be defrayed by the appropriation of funds from the state treasury or by equitable annual tax.

1903. A. No. 363 (Int. 351).

A. J. 133.

(For the remainder of this resolution, see proposed amendments to §§ 8 and 9 of this article, pp. 184, 190.)

AMENDMENT SUBMITTED TO THE PEOPLE AND ADOPTED

§ 11. The legislature may appropriate out of any funds in the treasury, moneys to pay the accruing interest and principal of any debt heretofore or hereafter created, or any part thereof, and may set apart in each fiscal year, moneys in the state treasury as a sinking fund to pay the interest as it falls due and to pay and discharge the principal of any debt heretofore or hereafter created under section four of article seven of the constitution until the same shall be wholly paid and the principal and income of such sinking fund shall be applied to the purpose for which said sinking fund is created and to no other purpose whatever and in the event such moneys so set apart in any fiscal year be sufficient to provide such sinking fund, a direct annual tax for such year need not be imposed and collected, as required by the provisions of said section four of article seven, or of any law enacted in pursuance thereof.

1902. S. No. 208 (Int. 208). (Same as A. No. 1403.) To Sec. of State.

S. J. 74, 240, 347, 363, 393, 987, 988.

A. J. 732, 1264, 1357, 1432, 1470, 1524, 1525.

A. No. 1403 (Int. 338). (Same as S. No. 208.)

A. J. 128, 1183, 1476.

1903. S. No. 1072 (Int. 9). To A. Amended, A. No. 2115. To Sec. of State.

S. J. 15, 399, 857, 1010, 1213, 1235, 1390, 1508, 1566.

A. J. 2777, 2816, 2817, 2818, 2994.

Adopted Nov. 7, 1905.

Vote: for, 307,768; against, 134,773.

AMENDMENT PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Diversion of waters of Niagara river

§ 11. (Proposal to add the following new section:) *No charter, license or privilege to divert from their natural channel the waters of the Niagara river or any portion thereof*

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above Niagara Falls shall be granted to any corporation, association, person or persons except for sanitary, domestic or fire purposes, and such waters shall not be diverted for any purpose except as herein expressed. This section shall not be construed to affirm or impair the existing charter of any corporation, association or persons, or to affirm, impair or deny any right to divert the water of said river existing prior to the adoption of this section.

1906. A. No. 1792 (Int. 778). To S.
A. J. 507, 1307, 1394, 1471, 1681, 1749.
S. J. 894.

AMENDMENT SUBMITTED TO THE PEOPLE AND ADOPTED

§ 12. A debt or debts of the state may be authorized by law for the improvement of highways. Such highways shall be determined under general laws, which shall also provide for the equitable apportionment thereof among the counties. The aggregate of the debts authorized by this section shall not at any one time exceed the sum of fifty millions of dollars. The payment of the annual interest on such debt and the creation of a sinking fund of at least two per centum per annum to discharge the principal at maturity shall be provided by general laws whose force and effect shall not be diminished during the existence of any debt created thereunder. The legislature may by general laws require the county or town or both to pay to the sinking fund the proportionate part of the cost of any such highway within the boundaries of such county or town and the proportionate part of the interest thereon, but no county shall at any time for any highway be required to pay more than thirty-five hundredths of the cost of such highway, and no town more than fifteen hundredths. None of the provisions of the fourth section of this article shall apply to debts for the improvement of highways hereby authorized.

1903. S. No. 353 (Int. 312). (Substituted for A. No. 1245.) To Sec. of State.
S. J. 147, 572, 701, 744, 767, 844.
A. J. 1654, 1680, 1698.
A. No. 1245 (Int. 988). (S. No. 353 substituted.)
A. J. 841, 1433, 1516, 1527, 1630, 1698.

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1905. S. No. 163 (Int. 163). To Sec. of State.
S. J. 68, 305, 345, 374, 382, 1239.
A. J. 682, 1990, 2089, 2126, 2253, 2348.
Adopted Nov. 7, 1905.
Vote: for, 383,188; against, 117,181.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Authorizing state debt for highway improvement other than in cities and villages

§ 12. (Proposal to add the following new section:) *A debt or debts of the state may be authorized by law for the improvement of highways not within the boundaries of any city or village. Such highways shall be determined under general laws, which shall also provide for the equitable apportionment thereof among the counties. The aggregate of the debts authorized by this section shall not at any one time exceed the sum of twenty millions of dollars. The payment of the annual interest on such debt and the creation of a sinking fund of at least one per centum per annum to discharge the principal at maturity shall be provided by general laws whose force and effect shall not be diminished during the existence of any debt. The legislature may by general laws require the county or town or both to pay to the sinking fund the proportionate part of the cost of any such highway within the boundaries of such county or town and the proportionate part of the interest thereon, but no county shall at any time and for any highway be required to pay more than thirty-five hundredths of the cost of such highways, and no town more than fifteen hundredths. None of the provisions of the fourth section of this article shall apply to debts for the improvement of highways hereby authorized.*

1902. S. No. 957 (Int. 734).
S. J. 782.

2. Highways in forest preserve

§ 12. *A debt or debts of the state may be authorized by law for the improvement of highways. Such highways shall be determined under general laws, which shall also provide for the equitable apportionment thereof among the counties. Any county having part of the forest preserve therein shall receive its equitable apportionment of highways. Highways within the forest preserve shall be opened or improved in the same manner as other highways in the state, except that they shall not be laid out to a*

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greater width than one hundred feet or improved for a greater width than other highways in the state under similar conditions. The aggregate of the debts authorized by this section shall not at any one time exceed the sum of fifty millions of dollars. The payment of the annual interest on such debt and the creation of a sinking fund of at least two per centum per annum to discharge the principal at maturity shall be provided by general laws whose force and effect shall not be diminished during the existence of any debt created thereunder. The legislature may by general laws require the county or town or both to pay to the sinking fund the proportionate part of the cost of any such highway within the boundaries of such county or town and the proportionate part of the interest thereon, but no county shall at any time for any highway be required to pay more than thirty-five hundredths of the cost of such highway, and no town more than fifteen hundredths. None of the provisions of the fourth section of this article shall apply to debts for the improvement of highways hereby authorized.

1910. A. No. 2093 (Int. 1508). To S.
A. J. 1644, 3113, 3116, 3126, 3152.
S. J. 1710.

3. Apportionment of highway money

§ 12. A debt or debts of the state may be authorized by law for the improvement of highways. Such highways shall be determined under general laws, which shall also provide for the equitable apportionment [thereof] *of the moneys authorized, among the counties containing towns, taking into consideration all moneys expended by the state for the improvement of state and county highways under chapters one hundred and fifteen of laws of eighteen hundred and ninety-eight, chapter three hundred and thirty, laws of nineteen hundred and eight, and chapter thirty of laws of nineteen hundred and nine, and the amendments to said laws. An apportionment for each of said counties shall be computed on the following basis: On the population as fixed by the federal census of nineteen hundred and ten, on the total measured mileage of public highways outside of cities and villages as obtained pursuant to section sixty-nine of chapter thirty of the laws of nineteen hundred and nine, and on the total area; and the sum of one-third of each of these three factors thus obtained for each of said counties, shall constitute such equitable apportionment.* The aggregate of the debts authorized by this section shall not at any one

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time exceed the sum of [fifty] *one hundred* millions of dollars. The payment of the annual interest on such debt and the creation of a sinking fund of at least two per centum per annum to discharge the principal at maturity shall be provided by general laws whose force and effect shall not be diminished during the existence of any debt created thereunder. The legislature may by general laws, require the county or town, or both, to pay to the sinking fund the proportionate part of the cost of any such highway within the boundaries of such county or town and the proportionate part of the interest thereon, but no county shall at any time for any highway be required to pay more than thirty-five hundredths of the cost of such highway, and no town more than fifteen hundredths. None of the provisions of the fourth section of this article shall apply to debts for the improvement of highways hereby authorized.

1912. S. No. 28 (Int. 28).
S. J. 11.

4. Increasing highway debt limit to one hundred millions

§ 12. A debt or debts of the state may be authorized by law for the improvement of highways. Such highways shall be determined under general laws, which shall also provide for the equitable apportionment thereof among the counties. The aggregate of the debts authorized by this section shall not at any [one] time exceed the sum of [fifty] *one hundred* millions of dollars. The payment of the annual interest on such debt and the creation of a sinking fund of at least two per centum per annum to discharge the principal at maturity shall be provided by general laws whose force and effect shall not be diminished during the existence of any debt created thereunder. The legislature may by general laws require the county or town or both to pay to the sinking fund the proportionate part of the cost of any such highway within the boundaries of such county or town and the proportionate part of the interest thereon, but no county shall at any time for any highway be required to pay more than thirty-five hundredths of the cost of such highway, and no town more than fifteen hundredths. None of the provisions of the fourth section of this article shall apply to debts for the improvement of highways hereby authorized.

1912. S. No. 276 (Int. 266). (Same as A. No. 23.)
S. J. 69.
A. No. 23 (Int. 23). (Same as S. No. 276.)
A. J. 29.

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§ 12. A debt or debts of the state may be authorized by law for the improvement of highways. Such highways shall be determined under general laws, which shall also provide for the equitable apportionment thereof, among the counties. The aggregate of the debts authorized by this section shall not at any one time exceed the sum of **[fifty]** *one hundred* millions of dollars. The payment of the annual interest on such debt, and the creation of a sinking fund of at least two per centum per annum to discharge the principal at maturity, shall be provided by general laws, whose force and effect shall not be diminished during the existence of any debt created thereunder. The legislature may, by general laws, require the county or town or both to pay to the sinking fund the proportionate part of the cost of any such highway within the boundaries of such county or town, and the proportionate part of the interest thereon, but no county shall, at any time, for any highway, be required to pay more than thirty-five hundredths of the cost of such highway, and no town more than fifteen hundredths. None of the provisions of **[the fourth section of]** this article shall apply to debts for the improvement of highways hereby authorized.

1911. S. No. 2033 (Int. 1562).
S. J. 1820.

5. Maintenance of highways

§ 13. (Proposal to add the following new section:) *No moneys of the state shall hereafter be appropriated for the whole or any part of the expenses of maintenance and repairs of highways constructed wholly or partly by the state, either under the provisions of section twelve of this article or under any law, but such expenses shall be borne in such manner as the legislature may, by appropriate laws, direct, by the several counties, cities, towns and villages within which the portion of any such highway to be maintained or repaired is located; but if the expense of any such maintenance or repair is imposed by law upon a city, town or village, the board of supervisors shall provide by taxation upon the county at large for all moneys not raised in the municipalities within the county and the fund for such maintenance and repairs shall be in the custody of the county treasurer, subject to expenditure under the direction of the state highway commission or other*

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state board, body or officer, if any, succeeding to the powers and duties of such commission.

1913. S. No. 904 (Int. 813). (Same as A. No. 1296.)

S. J. 294.

A. No. 1296 (Int. 1197). (Same as S. No. 904.)

A. J. 559.

6. Improvement of interstate highway bridges and tunnels

§ 13. (Proposal to add the following new section:) *A debt or debts of the state may be authorized by law for the improvement of interstate highway bridges and tunnels. The aggregate of the debts authorized by this section shall not at any one time exceed the sum of twenty-five millions of dollars. The payment of the annual interest on such debt and the creation of a sinking fund of at least two per centum per annum to discharge the principal at maturity shall be provided by general laws, whose force and effect shall not be diminished during the existence of any debt created thereunder. The legislature may, by general laws, require the county or town or both to pay to the sinking fund the proportionate part of the cost of any such interstate highway bridge and tunnel within the boundaries of such county or town, and the proportionate part of the interest thereon, but no county shall, at any time, for any interstate highway bridge and tunnel, be required to pay more than thirty-five hundredths of the cost of such interstate highway bridge and tunnel, and no town more than fifteen hundredths. None of the provisions of the fourth section of this article shall apply to debts for the improvement of interstate highway bridges and tunnels hereby authorized.*

1914. A. No. 1116 (Int. 1042).

A. J. 494.

ARTICLE VIII

§ 9. Neither the credit nor the money of the State shall be given or loaned to or in aid of any association, corporation or private undertaking. This section shall not, however, prevent the Legislature from making such provision for the education and support of the blind, the deaf and dumb, and juvenile delinquents, as to it may seem proper. Nor shall it apply to any fund or prop-

erty now held, or which may hereafter be held, by the State for educational purposes.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Welfare and safety of workmen — workmen's compensation

§ 9. (Proposal to add the following:) *Nor shall anything in this constitution contained prevent the legislature from making such provision, as to it may seem proper, for the security and protection of the lives, health and safety of workmen, for compensation for injuries to them caused by accidents, or otherwise, arising out of their employment, for insurance against accidents, sickness, invalidity and old age, and for the good and welfare of the state and the people of the state.*

1911. A. No. 1995 (Int. 1638). To S.
A. J. 1628, 3777, 3784, 3804, 3891, 3941.
S. J. 2299.

§ 9. (Proposal to add the following:) *Nor shall anything in this constitution contained prevent the legislature from making such provision, as to it may seem proper, for the security and protection of the lives, health and safety of workmen, for compensation for injuries to them caused by accidents, or otherwise, arising out of their employment, for insurance against accidents, sickness, invalidity and old age.*

1912. A. No. 49 (Int. 49).

A. J. 32.

1913. A. No. 324 (Int. 320).

A. J. 103.

(For adopted amendment authorizing a workmen's compensation law, see Art. I, § 19, p. 15.)

For other proposed amendments authorizing a workmen's compensation law, see pp. 7, 16.)

§ 10. No county, city, town or village shall hereafter give any money or property, or loan its money or credit to or in aid of any individual, association or corporation, or become directly or indirectly the owner of stock in, or bonds of, any association or corporation; nor shall any such county, city, town or village be allowed to incur any indebtedness except for county, city, town or village purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor as may be authorized by law. No county or city shall be allowed to become indebted for any purpose or in any manner

to an amount which, including existing indebtedness, shall exceed ten per centum of the assessed valuation of the real estate of such county or city subject to taxation, as it appeared by the assessment-rolls of said county or city on the last assessment for state or county taxes prior to the incurring of such indebtedness; and all indebtedness in excess of such limitation, except such as may now exist, shall be absolutely void, except as herein otherwise provided. No county or city whose present indebtedness exceeds ten per centum of the assessed valuation of its real estate subject to taxation, shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit. This section shall not be construed to prevent the issuing of certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained, or to be contained in the taxes for the year when such certificates or revenue bonds are issued and payable out of such taxes. Nor shall this section be construed to prevent the issue of bonds to provide for the supply of water; but the term of the bonds issued to provide the supply of water shall not exceed twenty years and a sinking fund shall be created on the issuing of the said bonds for their redemption, by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity. All certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes, which are not retired within five years after their date of issue, and bonds issued to provide for the supply of water, and any debt hereafter incurred by any portion or part of a city, if there shall be any such debt, shall be included in ascertaining the power of the city to become otherwise indebted. Whenever hereafter the boundaries of any city shall become the same as those of a county, the power of the county to become indebted shall cease, but the debt of the county at that time existing shall not be included as a part of the city debt. The amount hereafter to be raised by tax for county or city purposes, in any county containing a city of over one hundred thousand inhabitants, or any such city of this State, in addition to providing for the principal and interest of existing debt, shall not in the aggregate exceed in any one year two per centum of the assessed valuation of the real and personal estate of such county or city, to be ascertained as prescribed in this section in respect to county or city debt.

AMENDMENTS SUBMITTED TO THE PEOPLE AND ADOPTED

§ 10. No county, city, town or village shall hereafter give any money or property, or loan its money or credit to or in aid of any individual, association or corporation, or become directly or indirectly the owner of stock in, or bonds of, any association or corporation; nor shall any such county, city, town or village be allowed to incur any indebtedness except for county, city, town or village purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor as may be authorized by law. No county or city shall be allowed to become indebted for any purpose or in any manner to an amount which, including existing indebtedness, shall exceed ten per centum of the assessed valuation of the real estate of such county or city subject to taxation, as it appeared by the assessment-rolls of said county or city on the last assessment for state or county taxes prior to the incurring of such indebtedness; and all indebtedness in excess of such limitation, except such as may now exist, shall be absolutely void, except as herein otherwise provided. No county or city whose present indebtedness exceeds ten per centum of the assessed valuation of its real estate subject to taxation, shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit. This section shall not be construed to prevent the issuing of certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained, or to be contained in the taxes for the year when such certificates or revenue bonds are issued and payable out of such taxes. Nor shall this section be construed to prevent the issue of bonds to provide for the supply of water; but the term of the bonds issued to provide the supply of water shall not exceed twenty years, and a sinking fund shall be created on the issuing of the said bonds for their redemption, by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity. All certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes, which are not retired within five years after their date of issue, and bonds issued to provide for the supply of water, and any debt hereafter incurred by any portion or part of a city, if there shall be any such debt, shall be included in ascertaining the power of the city to become otherwise indebted. Whenever [hereafter] the boundaries of any city are [shall become] the

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same as those of a county, or when any city shall include within its boundaries more than one county, the power of any [the] county wholly included within such city to become indebted shall cease, but the debt of the county heretofore [at that time] existing shall not, for the purposes of this section, be [included] reckoned as a part of the city debt. The amount hereafter to be raised by tax for county or city purposes, in any county containing a city of over one hundred thousand inhabitants, or any such city of this state, in addition to providing for the principal and interest of existing debt, shall not in the aggregate exceed in any one year two per centum of the assessed valuation of the real and personal estate of such county or city, to be ascertained as prescribed in this section in respect to county or city debt.

1897. A. No. 1710 (Int. 958). (Same as S. No. 1013.) To Sec. of State.
 A. J. 787, 1398, 1688, 1741, 1761, 1795, 2050.
 S. J. 782, 805, 807.
 S. No. 1013 (Int. 592). (Same as A. No. 1710.)
 S. J. 345, 622, 639, 643.
 1899. S. No. 631 (Int. 357). To Sec. of State.
 S. J. 176, 246, 317, 449, 465, 467, 1680.
 A. J. 984, 3044, 3206, 3272, 3274.
 Adopted Nov. 7, 1899.
 Vote: for, 315,475; against, 145,450.

§ 10. No county, city, town or village shall hereafter give any money or property, or loan its money or credit to or in aid of any individual, association or corporation, or become directly or indirectly the owner of stock in, or bonds of, any association or corporation; nor shall any such county, city, town or village be allowed to incur any indebtedness except for county, city or town or village purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor as may be authorized by law. No county or city shall be allowed to become indebted for any purpose or in any manner to an amount which, including existing indebtedness, shall exceed ten per centum of the assessed valuation of the real estate of such county or city subject to taxation, as it appeared by the assessment-rolls of said county or city on the last assessment for state or county taxes prior to the incurring of such indebtedness; and all indebtedness in excess of such limitation, except such as [may now] now may exist, shall be absolutely void, except as herein otherwise provided. No county or city whose present indebtedness exceeds ten per centum of the assessed

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valuation of its real estate subject to taxation, shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit. This section shall not be construed to prevent the issuing of certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained, or to be contained, in the taxes for the year when such certificates or revenue bonds are issued and payable out of such taxes. Nor shall this section be construed to prevent the issue of bonds to provide for the supply of water; but the term of the bonds issued to provide the supply of water shall not exceed twenty years, and a sinking fund shall be created on the issuing of the said bonds for their redemption, by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity. All certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes, which are not retired within five years after their date of issue, and bonds issued to provide for the supply of water, and any debt hereafter incurred by any portion or part of a city, if there shall be any such debt, shall be included in ascertaining the power of the city to become otherwise indebted; except that debts incurred by the city of New York after the first day of January, nineteen hundred and four, to provide for the supply of water shall not be so included. Whenever the boundaries of any city are the same as those of a county, or when any city shall include within its boundaries more than one county, the power of any county wholly included within such city to become indebted shall cease, but the debt of the county, heretofore existing, shall not, for the purposes of this section, be reckoned as a part of the city debt. The amount hereafter to be raised by tax for county or city purposes, in any county containing a city of over one hundred thousand inhabitants, or any such city of this state, in addition to providing for the principal and interest of existing debt, shall not in the aggregate exceed in any one year two per centum of the assessed valuation of the real and personal estate of such county or city, to be ascertained as prescribed in this section in respect to county or city debt.

1901. S. No. 703 (Int. 344). (Same as A. No. 779.) To Sec. of State.

S. J. 163, 320, 333, 514, 554, 557, 845.

A. J. 1146, 1634, 1776.

A. No. 779 (Int. 310). (Same as S. No. 703.)

A. J. 154, 275, 381, 461, 629.

S. J. 350.

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1903. S. No. 1129 (Int. 573). To A. Amended, A. No. 2114. To Sec. of State.

S. J. 458, 984, 1169, 1232, 1254, 1508, 1566.

A. J. 2612, 2780, 2951, 2994.

Adopted Nov. 7, 1905.

Vote: for, 363,117; against, 129,424.

§ 10. No county, city, town or village shall hereafter give any money or property, or loan its money or credit to or in aid of any individual, association or corporation, or become directly or indirectly the owner of stock in, or bonds of, any association or corporation; nor shall any such county, city, town or village be allowed to incur any indebtedness except for county, city, [or] town or village purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor as may be authorized by law. No county or city shall be allowed to become indebted for any purpose or in any manner to an amount which, including existing indebtedness, shall exceed ten per centum of the assessed valuation of the real estate of such county or city subject to taxation, as it appeared by the assessment-rolls of said county or city on the last assessment for state or county taxes prior to the incurring of such indebtedness; and all indebtedness in excess of such limitations, except such as now may exist, shall be absolutely void, except as herein otherwise provided. No county or city, whose present indebtedness exceeds ten per centum of the assessed valuation of its real estate subject to taxation, shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit. . This section shall not be construed to prevent the issuing of certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained, or to be contained in the taxes for the year when such certificates or revenue bonds are issued and payable out of such taxes. Nor shall this section be construed to prevent the issue of bonds to provide for the supply of water; but the term [terms] of the bonds issued to provide the supply of water shall not exceed twenty years and a sinking fund shall be created on the issuing of the said bonds for their redemption, by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity. All certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes, which are not retired within five years after their

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date of issue, and bonds issued to provide for the supply of water, and any debt hereafter incurred by any portion or part of a city, if there shall be any such debt, shall be included in ascertaining the power of the city to become otherwise indebted; except that debts incurred by the city of New York after the first day of January, nineteen hundred and four, and debts incurred by any city of the second class after the first day of January, nineteen hundred and eight, to provide for the supply of water shall not be so included. Whenever the boundaries of any city are the same as those of a county, or when any city shall include within its boundaries more than one county, the power of any county wholly included within such city to become indebted shall cease, but the debt of the county, heretofore existing shall not, for the purposes of this section, be reckoned as a part of the city debt. The amount hereafter to be raised by tax for county or city purposes, in any county containing a city of over one hundred thousand inhabitants, or any such city of this state, in addition to providing for the principal and interest of existing debt, shall not in the aggregate exceed in any one year two per centum of the assessed valuation of the real and personal estate of such county or city, to be ascertained as prescribed in this section in respect to county or city debt.

1906. A. No. 916 (Int. 441). To Sec. of State.
A. J. 178, 477, 523, 556, 659, 708, 3180, 3182, 3290.
S. J. 342, 956, 1210, 1699.
1907. A. No. 1043 (Int. 918). To Sec. of State.
A. J. 500, 2753, 2762, 2783, 2816, 3607.
S. J. 1421, 1916, 1969.
Adopted Nov. 5, 1907.
Vote: for, 352,905; against, 137,721.

§ 10. No county, city, town or village shall hereafter give any money or property, or loan its money or credit to or in aid of any individual, association or corporation, or become directly or indirectly the owner of stock in, or bonds of, any association or corporation; nor shall any such county, city, town or village be allowed to incur any indebtedness except for county, city, town or village purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor as may be authorized by law. No county or city shall be allowed to become indebted for any purpose or in any manner to an amount which, including existing in-

debtedness, shall exceed ten per centum of the assessed valuation of the real estate of such county or city subject to taxation, as it appeared by the assessment-rolls of said county or city on the last assessment for state or county taxes prior to the incurring of such indebtedness; and all indebtedness in excess of such limitation, except such as now may exist, shall be absolutely void, except as herein otherwise provided. No county or city whose present indebtedness exceeds ten per centum of the assessed valuation of its real estate subject to taxation, shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit. This section shall not be construed to prevent the issuing of certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained, or to be contained in the taxes for the year when such certificates or revenue bonds are issued and payable out of such taxes; nor to prevent the city of New York from issuing bonds to be redeemed out of the tax levy for the year next succeeding the year of their issue, provided that the amount of such bonds which may be issued in any one year in excess of the limitations herein contained shall not exceed one-tenth of one per centum of the assessed valuation of the real estate of said city subject to taxation. Nor shall this section be construed to prevent the issue of bonds to provide for the supply of water; but the term of the bonds issued to provide the supply of water, in excess of the limitation of indebtedness fixed herein, shall not exceed twenty years, and a sinking fund shall be created on the issuing of the said bonds for their redemption, by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity. All certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes, which are not retired within five years after their date of issue, and bonds issued to provide for the supply of water, and any debt hereafter incurred by any portion or part of a city if there shall be any such debt, shall be included in ascertaining the power of the city to become otherwise indebted; except that debts incurred by the city of New York after the first day of January, nineteen hundred and four, and debts incurred by any city of the second class after the first

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day of January, nineteen hundred and eight, and debts incurred by any city of the third class after the first day of January, nineteen hundred and ten, to provide for the supply of water, shall not be so included; and except further that any debt hereafter incurred by the city of New York for a public improvement owned or to be owned by the city, which yields to the city current net revenue, after making any necessary allowance for repairs and maintenance for which the city is liable, in excess of the interest on said debt and of the annual instalments necessary for its amortization may be excluded in ascertaining the power of said city to become otherwise indebted, provided that a sinking fund for its amortization shall have been established and maintained and that the indebtedness shall not be so excluded during any period of time when the revenue aforesaid shall not be sufficient to equal the said interest and amortization instalments, and except further that any indebtedness heretofore incurred by the city of New York for any rapid transit or dock investment may be so excluded proportionately to the extent to which the current net revenue received by said city therefrom shall meet the interest and amortization instalments thereof, provided that any increase in the debt incurring power of the city of New York which shall result from the exclusion of debts heretofore incurred shall be available only for the acquisition or construction of properties to be used for rapid transit or dock purposes. The legislature shall prescribe the method by which and the terms and conditions under which the amount of any debt to be so excluded shall be determined, and no such debt shall be excluded except in accordance with the determination so prescribed. The legislature may in its discretion confer appropriate jurisdiction on the appellate division of the supreme court in the first judicial department for the purpose of determining the amount of any debt to be so excluded. No indebtedness of a city valid at the time of its inception shall thereafter become invalid by reason of the operation of any of the provisions of this section. When-

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ever the boundaries of any city are the same as those of a county, or when any city shall include within its boundaries more than one county, the power of any county wholly included within such city to become indebted shall cease, but the debt of the county, heretofore existing, shall not, for the purposes of this section, be reckoned as a part of the city debt. The amount hereafter to be raised by tax for county or city purposes, in any county containing a city of over one hundred thousand inhabitants, or any such city of this state, in addition to providing for the principal and interest of existing debt, shall not in the aggregate exceed in any one year two per centum of the assessed valuation of the real and personal estate of such county or city, to be ascertained as prescribed in this section in respect to county or city debt.

1908. S. No. 1118 (Int. 588). To A. Amended, A. No. 2257. To Sec. of State.

S. J. 332, 533, 784, 914, 932, 1150, 1391.

A. J. 2055, 2120, 2134, 2279, 2350, 2351.

1909. S. No. 671 (Int. 65). (Same as A. No. 988.) To Sec. of State.

S. J. 21, 401, 664, 720, 806, 817, 868, 1493.

A. J. 1826, 2459, 2471, 2532.

A. No. 988 (Int. 889). (Same as S. No. 671.)

A. J. 556, 1438, 1561, 1647, 1653.

Adopted Nov. 2, 1909.

Vote: for, 290,795; against, 207,781.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Limitation of indebtedness of cities — debts for water supply excepted

§ 10. No county, city, town or village shall hereafter give any money or property, or loan its money or credit to or in aid of any individual, association or corporation, or become directly or indirectly the owner of stock in, or bonds of, any association or corporation; nor shall any such county, city, town or village be allowed to incur any indebtedness except for county, city, town or village purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor as may be authorized by law. No county or city shall be allowed to become indebted for any purpose or in any manner to an amount which, including existing indebtedness, shall exceed ten per centum of the assessed valuation of the real estate of such county or city subject to taxation, as it appeared by the assessment rolls of said county or city on the last assessment for state or county taxes prior to the incurring of such indebtedness; and all indebtedness in excess of

such limitation, except such as now may exist, shall be absolutely void, except as herein otherwise provided. No county or city whose present indebtedness exceeds ten per centum of the assessed valuation of its real estate subject to taxation, shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit. This section shall not be construed to prevent the issuing of certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained or to be contained in the taxes for the year when such certificates or revenue bonds are issued and payable out of such taxes; nor to prevent the city of New York from issuing bonds to be redeemed out of the tax levy for the year next succeeding the year of their issue, provided that the amount of such bonds which may be issued in any one year in excess of the limitations herein contained shall not exceed one-tenth of one per centum of the assessed valuation of the real estate of said city subject to taxation. Nor shall this section be construed to prevent the issue of bonds to provide for the supply of water; but the term of the bonds issued to provide the supply of water, in excess of the limitation of indebtedness fixed herein, shall not exceed twenty years, and a sinking fund shall be created on the issuing of the said bonds for their redemption, by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity. All certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes, which are not retired within five years after their date of issue, and bonds issued to provide for the supply of water, and any debt hereafter incurred by any portion or part of a city if there shall be any such debt, shall be included in ascertaining the power of the city to become otherwise indebted; except that debts incurred by *any city* [the city of New York after the first day of January, nineteen hundred and four, and debts incurred by any city of the second class after the first day of January, nineteen hundred and eight, and debts incurred by any city of the third class after the first day of January, nineteen hundred and ten] to provide for the supply of water, shall not be so included; and except further that any debt hereafter incurred by the city of New York for a public improvement owned or to be owned by the city, which yields to the city current net revenue, after making

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any necessary allowances for repairs and maintenance for which the city is liable, in excess of the interest on said debt and of the annual installments necessary for its amortization may be excluded in ascertaining the power of said city to become otherwise indebted, provided that a sinking fund for its amortization shall have been established and maintained and that the indebtedness shall not be so excluded during any period of time when the revenue aforesaid shall not be sufficient to equal the said interest and amortization installments, and except further that any indebtedness heretofore incurred by the city of New York for any rapid transit or dock investment may be so excluded proportionately to the extent to which the current net revenue received by said city therefrom shall meet the interest and amortization installments thereof, provided that any increase in the debt incurring power of the city of New York which shall result from the exclusion of debts heretofore incurred shall be available only for the acquisition or construction of properties to be used for rapid transit or dock purposes. The legislature shall prescribe the method by which and the terms and conditions under which the amount of any debt to be so excluded shall be determined, and no such debt shall be excluded except in accordance with the determination so prescribed. The legislature may in its discretion confer appropriate jurisdiction on the appellate division of the supreme court in the first judicial department for the purpose of determining the amount of any debt to be so excluded. No indebtedness of a city valid at the time of its inception shall thereafter become invalid by reason of the operation of any of the provisions of this section. Whenever the boundaries of any city are the same as those of a county, or when any city shall include within its boundaries more than one county, the power of any county wholly included within such city to become indebted shall cease, but the debt of the county, heretofore existing shall not, for the purposes of this section, be reckoned as a part of the city debt. The amount hereafter to be raised by tax for county or city purposes, in any county containing a city of over one hundred thousand inhabitants, or any such city of this state, in addition to providing for the principal and interest of existing debt, shall not in the aggregate exceed in any one year two per centum of the assessed valuation of the real and personal estate of such county or city, to be as-

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certained as prescribed in this section in respect to county or city debt.

1914. S. No. 165 (Int. 165). (Same as A. No. 165.)

S. J. 44.

A. No. 165 (Int. 165). (Same as S. No. 165.)

A. J. 79.

2. Limitation of indebtedness of first class cities — debts for water supply excepted

§ 10. No county, city, town or village shall hereafter give any money or property, or loan its money or credit to or in aid of any individual, association or corporation, or become directly or indirectly the owner of stock in, or bonds of, any association or corporation; nor shall any such county, city, town or village be allowed to incur any indebtedness except for county, city, town or villages purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor as may be authorized by law. No county or city shall be allowed to become indebted for any purpose or in any manner to an amount which, including existing indebtedness, shall exceed ten per centum of the assessed valuation of the real estate of such county or city subject to taxation, as it appeared by the assessment-rolls of said county or city on the last assessment for state or county taxes prior to the incurring of such indebtedness; and all indebtedness in excess of such limitation, except such as now may exist, shall be absolutely void, except as herein otherwise provided. No county or city whose present indebtedness exceeds ten per centum of the assessed valuation of its real estate subject to taxation, shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit. This section shall not be construed to prevent the issuing of certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained or to be contained in the taxes for the year when such certificates or revenue bonds are issued and payable out of such taxes; nor to prevent the city of New York from issuing bonds to be redeemed out of the tax levy for the year next succeeding the year of their issue, provided that the amount of such bonds which may be issued in any one year in excess of the limitations herein contained shall not exceed one-tenth of one per centum of the assessed valuation of the real estate of said city subject to taxation. Nor shall this section be construed to prevent the issue of

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bonds to provide for the supply of water; but the term of the bonds issued to provide the supply of water, in excess of the limitation of indebtedness fixed herein, shall not exceed twenty years, and a sinking fund shall be created on the issuing of the said bonds for their redemption, by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity. All certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes, which are not retired within five years after their date of issue, and bonds issued to provide for the supply of water, and any debt hereafter incurred by any portion or part of a city if there shall be any such debt, shall be included in ascertaining the power of the city to become otherwise indebted; except that debts incurred by [the city of New York] *cities of the first class* after the first day of January, nineteen hundred and four, and debts incurred by any city of the second class after the first day of January, nineteen hundred and eight, and debts incurred by any city of the third class after the first day of January, nineteen hundred and ten, to provide for the supply of water, shall not be so included; and except further that any debt hereafter incurred by the city of New York for a public improvement owned or to be owned by the city, which yields to the city current net revenue, after making any necessary allowance for repairs and maintenance for which the city is liable, in excess of the interest on said debt and of the annual instalments necessary for its amortization may be excluded in ascertaining the power of said city to become otherwise indebted, provided that a sinking fund for its amortization shall have been established and maintained and that the indebtedness shall not be so excluded during any period of time when the revenue aforesaid shall not be sufficient to equal the said interest and amortization instalments, and except further that any indebtedness heretofore incurred by the city of New York for any rapid transit or dock investment may be so excluded proportionately to the extent to which the current net revenue received by said city therefrom shall meet the interest and amortization installments thereof, provided that any increase in the debt incurring power of the city of New York which shall result from the exclusion of debts heretofore incurred shall be available only for the acquisition or construction of properties to be used for rapid transit or dock purposes. The legislature shall prescribe

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the method by which and the terms and conditions under which the amount of any debt to be so excluded shall be determined, and no such debt shall be excluded except in accordance with the determination so prescribed. The legislature may in its discretion confer appropriate jurisdiction on the appellate division of the supreme court [in the first judicial department] for the purpose of determining the amount of any debt to be so excluded. No indebtedness of a city valid at the time of its inception shall thereafter become invalid by reason of the operation of any of the provisions of this section. Whenever the boundaries of any city are the same as those of a county, or when any city shall include within its boundaries more than one county, the power of any county wholly included within such city to become indebted shall cease, but the debt of the county, heretofore existing, shall not, for the purposes of this section, be reckoned as a part of the city debt. The amount hereafter to be raised by tax for county or city purposes, in any county containing a city of over one hundred thousand inhabitants, or any such city of this state, in addition to providing for the principal and interest of existing debt, shall not in the aggregate exceed in any one year two per centum of the assessed valuation of the real and personal estate of such county or city, to be ascertained as prescribed in this section in respect to county or city debt.

1913. A. No. 81 (Int. 81). (Same as S. No. 100.) To S.

A. J. 46, 215, 236, 244, 257, 274.

S. J. 158.

S. No. 100 (Int. 99). (Same as A. No. 81.)

S. J. 36.

3. Limitation of indebtedness of third class cities — debts for water supply excepted

§ 10. No county, city, town or village shall hereafter give any money or property, or loan its money or credit to or in aid of any individual, association or corporation, or become directly or indirectly the owner of stock in, or bonds of, any association or corporation; nor shall any such county, city, town or village be allowed to incur any indebtedness except for county, city, town or village purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor as may be authorized by law. No county or city shall be allowed to become indebted for any purpose or in any manner to an amount which, including existing indebtedness, shall exceed ten per centum of the assessed valuation of the real

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estate of such county or city subject to taxation, as it appeared by the assessment rolls of said county or city on the last assessment for state or county taxes prior to the incurring of such indebtedness; and all indebtedness in excess of such limitations, except such as now may exist, shall be absolutely void, except as herein otherwise provided. No county or city, whose present indebtedness exceeds ten per centum of the assessed valuation of its real estate subject to taxation, shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit. This section shall not be construed to prevent the issuing of certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained, or to be contained in the taxes for the year when such certificates or revenue bonds are issued and payable out of such taxes. Nor shall this section be construed to prevent the issue of bonds to provide for the supply of water; but the term of the bonds issued to provide the supply of water shall not exceed twenty years, and a sinking fund shall be created on the issuing of the said bonds for their redemption, by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity. All certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes, which are not retired within five years after their date of issue, and bonds issued to provide for the supply of water, and any debt hereafter incurred by any portion or part of a city, if there shall be any such debt, shall be included in ascertaining the power of the city to become otherwise indebted; except that debts incurred by the city of New York after the first day of January, nineteen hundred and four, and debts incurred by any city of the second class after the first day of January, nineteen hundred and eight, *and debts incurred by any city of the third class after the first day of January, nineteen hundred and ten*, to provide for the supply of water shall not be so included. Whenever the boundaries of any city are the same as those of a county, or when any city shall include within its boundaries more than one county, the power of any county wholly included within such city to become indebted shall cease, but the debt of the county, heretofore existing, shall not, for the purposes of this section, be reckoned as a part of the city debt. The amount hereafter to be

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raised by tax for county or city purposes, in any county containing a city of over one hundred thousand inhabitants, or any such city of this state, in addition to providing for the principal and interest of existing debt, shall not in the aggregate exceed in any one year two per centum of the assessed valuation of the real and personal estate of such county or city, to be ascertained as prescribed in this section in respect to county or city debt.

1908. A. No. 1226 (Int. 1020). (Same as S. No. 641.) To S.

A. J. 637, 784, 875, 906, 945, 1004.

S. J. 485.

S. No. 641 (Int. 549). (Same as A. No. 1226.)

S. J. 289.

4. Limitation of indebtedness of counties and cities — debts for railroads or docks excepted

§ 10. No county, city, town or village shall hereafter give any money or property, or loan its money or credit to or in aid of any individual, association or corporation, or become directly or indirectly the owner of stock in, or bonds of, any association or corporation; nor shall any such county, city, town or village be allowed to incur any indebtedness except for county, city, town or village purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor as may be authorized by law. No county or city shall be allowed to become indebted for any purpose or in any manner to an amount which, including existing indebtedness, shall exceed ten per centum of the assessed valuation of the real estate of such county or city subject to taxation, as it appeared by the assessment rolls of said county or city on the last assessment for state or county taxes prior to the incurring of such indebtedness; and all indebtedness in excess of such limitation, except such as now may exist, shall be absolutely void, except as herein otherwise provided. No county or city whose present indebtedness exceeds ten per centum of the assessed valuation of its real estate subject to taxation, shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit. This section shall not be construed to prevent the issuing of certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained, or to be contained, in the taxes for the year when such certificates or revenue bonds are issued and payable out of such taxes. Nor shall this section be construed to prevent the issue of bonds to provide for the supply of

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water or the construction of docks and railroads; but the term of the bonds issued to provide the supply of water shall not exceed twenty years, and a sinking fund shall be created on the issuing of the said bonds for their redemption, by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity. All certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes, which are not retired within five years after their date of issue, and bonds issued to provide for the supply of water, and any city debt hereafter incurred by any portion or part of a city, if there shall be any such debt, shall be included in ascertaining the power of the city to become otherwise indebted; except that debts incurred by the city of New York after the first day of January, nineteen hundred and four, and debts incurred by any city of the second class after the first day of January, one thousand nine hundred and eight; to provide for the supply of water, *and debts incurred by the city of New York after the first day of January, one thousand nine hundred and nine, for the purpose of the building of a railroad or railroads at public expense, and bonds heretofore or hereafter issued for the purposes of the dock department*, shall not be so included. Whenever the boundaries of any city are the same as those of a county, or when any city shall include within its boundaries more than one county, the power of any county wholly included within such city to become indebted shall cease, but the debt of the county, heretofore existing, shall not, for the purposes of this section, be reckoned as a part of the city debt. The amount hereafter to be raised by tax for county or city purposes, in any county containing a city of over one hundred thousand inhabitants, or any such city of this state, in addition to providing for the principal and interest of existing debt, shall not in the aggregate exceed in any one year two per centum of the assessed valuation of the real and personal estate of such county or city, to be ascertained as prescribed in this section in respect to county or city debt.

1908. A. No. 131 (Int. 129).

A. J. 55.

5. Limitation of indebtedness of counties and cities — debts for docks, subways and elevated roads excepted

§ 10. No county, city, town or village shall hereafter give any money or property, or loan its money or credit to or in aid of

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any individual, association or corporation, or become directly or indirectly the owner of stock in, or bonds of, any association or corporation; nor shall any such county, city, town or village be allowed to incur any indebtedness except for county, city, town or village purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor as may be authorized by law. No county or city shall be allowed to become indebted for any purpose or in any manner to an amount which, including existing indebtedness, shall exceed ten per centum of the assessed valuation of the real estate of such county or city subject to taxation, as it appeared by the assessment rolls of said county or city on the last assessment for state or county taxes prior to the incurring of such indebtedness; and all indebtedness in excess of such limitation, except such as now may exist, shall be absolutely void, except as herein otherwise provided. No county or city whose present indebtedness exceeds ten per centum of the assessed valuation of its real estate subject to taxation, shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit. This section shall not be construed to prevent the issuing of certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained, or to be contained in the taxes for the year when such certificates or revenue bonds are issued and payable out of such taxes. Nor shall this section be construed to prevent the issue of bonds to provide for the supply of water *or the construction of docks, subways and elevated railroads*; but the term of the bonds issued to provide for the supply of water *and the building or acquirement of docks* shall not exceed twenty years, *and the term of the bonds issued for the construction of subways or elevated railroads shall not exceed fifty years*, and a sinking fund shall be created on the issuing of the said bonds for the redemption, by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity. All certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes, which are not retired within five years after their date of issue, and bonds issued to provide for the supply of water, and any debt hereafter incurred by any portion or part of a city, if there shall be any such debt, shall be included in ascertaining the power of the city to become otherwise indebted; except that debts

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incurred by the city of New York after the first day of January, nineteen hundred and four, and debts incurred by any city of the second class after the first day of January, nineteen hundred and eight, to provide for the supply of water, *and debts incurred by the city of New York after the first day of January, nineteen hundred and nine to provide for docks, subways or elevated railroads*, shall not be so included. Whenever the boundaries of any city are the same as those of a county, or when any city shall include within its boundaries more than one county, the power of any county wholly included within such city to become indebted shall cease, but the debt of the county, heretofore existing, shall not, for the purposes of this section, be reckoned as a part of the city debt. The amount hereafter to be raised by tax for county or city purposes, in any county containing a city of over one hundred thousand inhabitants, or any such city of this state, in addition to providing for the principal and interest of existing debt, shall not in the aggregate exceed in any one year two per centum of the assessed valuation of the real and personal estate of such county or city, to be ascertained as prescribed in this section in respect to county or city debt.

1908. S. No. 60 (Int. 60). (Same as A. No. 121.)

S. J. 25.

A. No. 121 (Int. 120). (Same as S. No. 60.)

A. J. 52.

6. Limitation of indebtedness of New York city to fifteen per cent of assessed valuation

§ 10. No county, city, town or village shall hereafter give any money or property, or loan its money or credit to or in aid of any individual, association or corporation, or become directly or indirectly the owner of stock in, or bonds of, any association or corporation; nor shall any such county, city, town or village be allowed to incur any indebtedness except for county, city, town or village purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor as it may be authorized by law. No county or city shall be allowed to become indebted for any purpose or in any manner [to] in amount which, including existing indebtedness, shall exceed ten per centum of the assessed valuation of the real estate of such county or city subject to taxation, as it appeared by the assessment rolls of said county or city on the last assessment for state or county taxes prior to the incurring of such indebted-

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ness; and all indebtedness in excess of such limitation, except such as may now exist, shall be absolutely void, except as herein otherwise provided. No county or city whose present indebtedness exceeds ten per centum of the assessed valuation of its real estate subject to taxation, shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit. This section shall not be construed to prevent the issuing of certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained, or to be contained in the taxes for the year when such certificates or revenue bonds are issued and payable out of such taxes. Nor shall this section be construed to prevent the issue of bonds to provide the supply of water; but the term of the bonds issued to provide the supply of water shall not exceed twenty years, and a sinking fund shall be created on the issuing of said bonds for their redemption, by raising annually a sum which will provide an amount equal to the sum of the principal and interest of said bonds at their maturity. All certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes, which are not retired within five years after their date of issue, and bonds issued [to provide] for the supply of water, and any debt hereafter incurred by any portion or part of a city, if there shall be any such debt, shall be included in ascertaining the power of the city to become otherwise indebted. Whenever *hereafter* the boundaries of any city [are] *shall become* the same as those of a county, [or when any city shall include within its boundaries more than one county,] the power of [any] *the* county [wholly included within such city] to become indebted shall cease, but the debt of the county [heretofore] *at that time* existing [shall] *not to* [for the purposes of this section] be [reckoned] *included* as a part of the city debt. The amount hereafter to be raised by tax for county or city purposes, in any county containing a city of over one hundred thousand inhabitants, or any such city of this state, in addition to providing for the principal and interest of existing debt, shall not in the aggregate exceed in any one year two per centum of the assessed valuation of the real and personal estate of such county or city, to be ascertained and prescribed in this section in respect to county or city debt. *Provided, however, notwithstanding anything hereinbefore contained, the city of New York may incur indebtedness up to, but not exceeding fifteen per*

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centum of the assessed valuation of the real estate of said city subject to taxation as it appeared by the assessment rolls of said city on the last assessment for city and county taxes prior to the incurring of such indebtedness.

1905. A. No. 829 (Int. 730).
A. J. 450.

7. Limitation of indebtedness of New York city — certain bonds excepted

§ 10. No county, city, town or village shall hereafter give any money or property, or loan its money or credit to or in aid of any individual, association or corporation, or become directly or indirectly the owner of stock in, or bonds of, any association or corporation; nor shall any such county, city, town or village be allowed to incur any indebtedness except for county, city [or], town or village purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor as may be authorized by law. No county, or city shall be allowed to become indebted for any purpose or in any manner to an amount which, including existing indebtedness, shall exceed ten per centum of the assessed valuation of the real estate of such county or city subject to taxation, as it appeared by the assessment *and* rolls of said county or city on the last assessment for state or county taxes prior to the incurring of such indebtedness; and all indebtedness in excess of such limitation, except such as [now may] *may now* exist, shall be absolutely void, except as herein otherwise provided. No county or city whose present indebtedness exceeds ten per centum of the assessed valuation of its real estate subject to taxation, shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit. This section shall not be construed to prevent [the] issuing of certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained, or to be contained, in the taxes for the year when such certificates or revenue bonds are issued and payable out of such taxes. Nor shall this section be construed to prevent the issue of bonds to provide for the supply of water; but the [terms] *term* of the bonds issued to provide the supply of water shall not exceed twenty years, and a sinking fund shall be created on the issuing of [the] said bonds for their redemption by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity. All certificates

of indebtedness or revenue bonds issued in anticipation of the collection of taxes, which are not retired within five years after their date of issue, and bonds issued to provide for the supply of water, and any debt hereafter incurred by any portion or part of a city, if there shall be any such debt, shall be included in ascertaining the power of the city to become otherwise indebted; except that debts incurred by the city of New York after the first [day] of January, nineteen hundred and four, to provide for the supply of water shall not be so included; *and with the further exceptions that all bonds which by their terms provide for the payment of the interest thereon from specified revenues to be reserved for that purpose, and also for the extinguishment of the principal thereof at the end of the life of the bond, shall not be included in ascertaining the power of the city of New York to become indebted in a further amount.* Whenever the boundaries of any city are the same as those [of] to a county, or when any city shall include within its boundaries more than one county, the power of any county wholly included within such city to become indebted shall cease, but the debt of the county, heretofore existing, shall not, for the [purposes] *purpose* of this section be reckoned as part of the city debt. The amount hereafter to be raised by tax for county or city purposes, in any county, containing a city of over one hundred thousand inhabitants, or any such city of this state, in addition to providing for the principal and interest of existing debt, shall not in the aggregate exceed in any one year two per centum of the assessed valuation of the real and personal estate of such county or city, to be ascertained as prescribed in this section in respect to county or city debt.

1906. S. No. 332 (Int. 7). (Same as A. No. 28.)

S. J. 9, 142, 163.

A. No. 28 (Int. 28). (Same as S. No. 332.)

A. J. 25.

§ 10. No county, city, town or village shall hereafter give any money or property, or loan its money or credit to or in aid of any individual, association or corporation, or become directly or indirectly the owner of stock in, or bonds of, any association or corporation; nor shall any such county, city, town or village be allowed to incur any indebtedness except for county, city, town or village purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor as may be authorized by law. No county or city

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shall be allowed to become indebted for any purpose or in any manner to an amount which, including existing indebtedness, shall exceed ten per centum of the assessed valuation of the real estate of such county or city subject to taxation, as it appeared by the assessment rolls of said county or city on the last assessment for state or county taxes prior to the incurring of such indebtedness; and all indebtedness in excess of such limitation, except such as now may exist, shall be absolutely void, except as herein otherwise provided. No county or city whose present indebtedness exceeds ten per centum of the assessed valuation of its real estate subject to taxation, shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit. This section shall not be construed to prevent the issuing of certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained, or to be contained in the taxes for the year when such certificates or revenue bonds are issued and payable out of such taxes[.]; *nor to prevent the city of New York from issuing bonds to be redeemed out of the tax levy for the year next succeeding the year of their issue, provided that the amount of such bonds which may be issued in any one year in excess of the limitations herein contained shall not exceed one-tenth of one per centum of the assessed valuation of the real estate of said city subject to taxation.* Nor shall this section be construed to prevent the issue of bonds to provide for the supply of water; but the term of the bonds issued to provide the supply of water shall not exceed twenty years, and a sinking fund shall be created on the issuing of the said bonds for their redemption, by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity. All certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes, which are not retired within five years after their date of issue, and bonds issued to provide for the supply of water, and any city debt hereafter incurred by any portion or part of a city, if there shall be any such debt, shall be included in ascertaining the power of the city to become otherwise indebted; except that debts incurred by the city of New York after the first day of January, nineteen hundred and four, *to provide for the supply of water*, and debts incurred by any city of the second class after the first day of January, nineteen hundred and eight, *to provide for the supply*

of water, shall not be so included[.]; and except further that any debt hereafter incurred by the city of New York for a public improvement owned or to be owned by the city, which yields to the city current net revenue, after making any necessary allowance for repairs and maintenance for which the city should be liable, in excess of the interest on said debt and of the annual installments necessary for its amortization may be excluded in ascertaining the power of said city to become otherwise indebted, provided that a sinking fund for its amortization shall have been established and maintained and that the indebtedness shall not be so excluded during any period of time when the revenue aforesaid shall not be sufficient to equal the said interest and amortization installments, and except further that any indebtedness heretofore incurred by the city of New York for any rapid transit or dock investment may be so excluded proportionately to the extent to which the current net revenue received by said city therefrom shall meet the interest and amortization installments thereof, provided that any increase in the debt incurring power of the city of New York which shall result from the exclusion of debts heretofore incurred shall be available only for the acquisition or construction of properties to be used for rapid transit or dock purposes. The legislature shall prescribe the method by which and the terms and conditions under which the amount of any debt to be so excluded shall be determined, and no such debt shall be excluded except in accordance with the determination so prescribed. The legislature may in its discretion confer appropriate jurisdiction on the appellate division of the supreme court in the first judicial department for the purpose of determining the amount of any debt to be so excluded. No indebtedness of a city valid at the time of its inception shall thereafter become invalid by reason of the operation of any of the provisions of this section. Whenever the boundaries of any city are the same as those of a county, or when any city shall include within its boundaries more than one county, the power of any county wholly included within such city to become indebted shall cease, but the debt of the county, heretofore existing, shall not, for the purposes of this section, be reckoned as a part of the city debt. The amount hereafter to be raised by tax for county or city purposes, in any county containing a city of over one hundred thousand inhabitants, or any such city of this state, in addition to providing for the principal and interest of existing debt, shall not in

the aggregate exceed in any one year two per centum of the assessed valuation of the real and personal estate of such county or city, to be ascertained as prescribed in this section in respect to county or city debt.

1908. A. No. 2213 (Int. 1043).

A. J. 663, 1690, 1831, 1854, 1923, 1979.

8. Limitation of indebtedness of New York city — debts for subways excepted

§ 10. No county, city, town or village shall hereafter give any money or property, or loan its money or credit to or in aid of any individual, association or corporation, or become directly or indirectly the owner of stock in, or bonds of, any association or corporation; nor shall any such county, city, town or village be allowed to incur any indebtedness except for county, city, [or] town or village purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor as may be authorized by law. No county or city shall be allowed to become indebted for any purpose or in any manner to an amount which, including existing indebtedness, shall exceed ten per centum of the assessed valuation of the real estate of such county or city subject to taxation, as it appeared by the assessment rolls of said county or city on the last assessment for state or county taxes prior to the incurring of such indebtedness; and all indebtedness in excess of such limitation, except such as [now] may exist, shall be absolutely void, except as herein otherwise provided. No county or city whose present indebtedness exceeds ten per centum of the assessed valuation of its real estate subject to taxation shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit. This section shall not be construed to prevent the issuing of certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained, or to be contained in the taxes for the year when such certificates or revenue bonds are issued and payable out of such taxes. Nor shall this section be construed to prevent the issue of bonds to provide for the supply of water; *nor for the construction of subways*; but the term of the bonds issued to provide the supply of water *and the construction of subways* shall not exceed twenty years and a sinking fund shall be created on the issuing of the said bonds for their redemption, by raising annually a sum which

will produce an amount equal to the sum of the principal and interest of said bonds at their maturity. All certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes, which are not retired within five years after their date of issue, and bonds issued to provide for the supply of water, and any debt hereafter incurred by any portion or part of a city, if there shall be any such debt, shall be included in ascertaining the power of the city to become otherwise indebted. [; except that debts incurred by the city of New York after the first day of January, nineteen hundred and four, to provide for the supply of water shall not be so included.] Whenever *hereafter* the boundaries of any city [are] *shall become* the same as those of a county, [or when any city shall include within its boundaries more than one county,] the power of [any] *the* county [wholly included within such city] to become indebted shall cease, but the debt of the county [heretofore] *at that time* existing shall not [for the purposes of this section,] be [reckoned] *included* as a part of the city debt. The amount hereafter to be raised by tax for county or city purposes, in any county containing a city of over one hundred thousand inhabitants, or any such city of this state, in addition to providing for the principal and interest of existing debt, shall not in the aggregate exceed in any one year two per centum of the assessed valuation of the real and personal estate of such county or city, to be ascertained as prescribed in this section in respect to county or city debt.

1907. A. No. 2159 (Int. 1600).

A. J. 1754.

9. Limitation of indebtedness of New York city — debts for subways and docks excepted

§ 10. No county, city, town or village shall hereafter give any money or property, or loan its money or credit to or in aid of any individual, association or corporation, or become directly or indirectly the owner of stock in, or bonds of, any association or corporation; nor shall any such county, city, town or village be allowed to incur any indebtedness except for county, city [or], town or village purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor as may be authorized by law. No county, or city shall be allowed to become indebted for any purpose or in any manner to an amount which, including existing indebt-

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edness, shall exceed ten per centum of the assessed valuation of the real estate of such county or city subject to taxation, as it appeared by the assessment rolls of said county or city on the last assessment for state or county taxes prior to the incurring of such indebtedness; and all indebtedness in excess of such limitation, except such as now may exist, shall be absolutely void, except as herein otherwise provided. No county or city whose present indebtedness exceeds ten per centum of the assessed valuation of its real estate subject to taxation, shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit. This section shall not be construed to prevent the issuing of certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained, or to be contained, in the taxes for the year when such certificates or revenue bonds are issued and payable out of such taxes. Nor shall this section be construed to prevent the issue of bonds to provide for the supply of water; but the **[terms]** *term* of the bonds issued to provide the supply of water shall not exceed twenty years, and a sinking fund shall be created on the issuing of **[the]** said bonds for their redemption by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity. All certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes, which are not retired within five years after their date of issue, and bonds issued to provide for the supply of water, and any debt hereafter incurred by any portion or part of a city, if there shall be any such debt, shall be included in ascertaining the power of the city to become otherwise indebted; except that debts incurred by the city of New York after the first **[day]** of January, nineteen hundred and four, to provide for the supply of water shall not be so included; *and for the purpose of building and constructing subways in the city of New York, and for the purpose of dock improvement in the city of New York, the bonds for which provide for payment of principal and interest at the expiration of such bonds.* Whenever the boundaries of any city are the same as those **[of]** to a county, or when any city shall include within its boundaries more than one county, the power of any county wholly included within such city to become indebted shall cease, but the debt of the county, heretofore existing, shall not, for the purposes of

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this section, be reckoned as [a] part of the city debt. The amount hereafter to be raised by tax for county or city purposes, in any county, containing a city of over one hundred thousand inhabitants, or any such city of this state, in addition to providing for the principal and interest of existing debt, shall not in the aggregate exceed in any one year two per centum of the assessed valuation of the real and personal estate of such county or city, to be ascertained as prescribed in this section in respect to county or city debt.

1906. S. No. 197 (Int. 197).
S. J. 67.

10. Limitation of indebtedness of New York city — debts for railroads and docks excepted

§ 10. No county, city, town or village shall hereafter give any money or property, or loan its money or credit to or in aid of any individual, association or corporation, or become directly or indirectly the owner of stock in, or bonds of, any association or corporation; nor shall any such county, city, town or village be allowed to incur any indebtedness except for county, city [or], town or village purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor as may be authorized by law. No county or city shall be allowed to become indebted for any purpose or in any manner to an amount which, including existing indebtedness, shall exceed ten per centum of the assessed valuation of the real estate of such county or city subject to taxation, as it appeared by the assessment-rolls of said county or city on the last assessment for state or county taxes prior to the incurring of such indebtedness; and all indebtedness in excess of such limitation, except such as now may exist, shall be absolutely void, except as herein otherwise provided. No county or city whose present indebtedness exceeds ten per centum of the assessed valuation of its real estate subject to taxation, shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit. This section shall not be construed to prevent the issuing of certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained, or to be contained, in the taxes for the year when such certificates or revenue bonds are issued and payable out of such taxes. Nor shall this section be con-

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strued to prevent the issue of bonds to provide for the supply of water; but the ~~terms~~ *term* of the bonds issued to provide the supply of water shall not exceed twenty years, and a sinking fund shall be created on the issuing of the said bonds for their redemption, by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity. All certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes, which are not retired within five years after their date of issue, and bonds issued to provide for the supply of water, and any debt hereafter incurred by any portion or part of a city, if there shall be any such debt, shall be included in ascertaining the power of the city to become otherwise indebted; except that debts incurred by the city of New York after the first day of January, nineteen hundred and four, to provide for the supply of water, *and for the purpose of the building of a railroad or railroads at public expense, and bonds heretofore or hereafter issued for the purposes of the dock department*, shall not be so included. Whenever the boundaries of any city are the same as those of a county, or when any city shall include within its boundaries more than one county, the power of any county wholly included within such city to become indebted shall cease, but the debt of the county, heretofore existing, shall not, for the purposes of this section, be reckoned as a part of the city debt. The amount hereafter to be raised by tax for county or city purposes, in any county containing a city of over one hundred thousand inhabitants, or any such city of this state, in addition to providing for the principal and interest of existing debt, shall not in the aggregate exceed in any one year two per centum of the assessed valuation of the real and personal estate of such county or city, to be ascertained as prescribed in this section in respect to county or city debt.

1906. S. No. 498 (Int. 96). (Same as A. No. 203.) To A.

S. J. 34, 261, 381, 397, 417.

A. J. 890, 1834, 1934, 2108, 2208, 2394.

A. No. 203 (Int. 203). (Same as S. No. 496.)

A. J. 75.

1907. A. No. 1308 (Int. 1103).

A. J. 680.

§ 10. No county, city, town or village shall hereafter give any money or property, or loan its money or credit to or in aid of any individual, association or corporation, or become directly or indirectly the owner of stock in, or bonds of, any association or

corporation; nor shall any such county, city, town or village be allowed to incur any indebtedness except for county, city or town or village purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor as may be authorized by law. No county or city shall be allowed to become indebted for any purpose or in any manner to an amount which, including existing indebtedness, shall exceed ten per centum of the assessed valuation of the real estate of such county or city subject to taxation, as it appeared by the assessment-rolls of said county or city on the last assessment for state or county taxes prior to the incurring of such indebtedness; and all indebtedness in excess of such limitation, except such as now may exist, shall be absolutely void, except as herein otherwise provided. No county or city whose present indebtedness exceeds ten per centum of the assessed valuation of its real estate subject to taxation, shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit. This section shall not be construed to prevent the issuing of certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained, or to be contained, in the taxes for the year when such certificates or revenue bonds are issued and payable out of such taxes. Nor shall this section be construed to prevent the issue of bonds to provide for the supply of water; but the term of the bonds issued to provide the supply of water shall not exceed twenty years, and a sinking fund shall be created on the issuing of the said bonds for their redemption, by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity. All certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes, which are not retired within five years after their date of issue, and bonds issued to provide for the supply of water, and any debt hereafter incurred by any portion or part of a city, if there shall be any such debt, shall be included in ascertaining the power of the city to become otherwise indebted; except that debts incurred by the city of New York after the first day of January, nineteen hundred and four, and debts incurred by any city of the second class after the first day of January, nineteen hundred and eight, to provide for the supply of water, shall not be so included; *and except further that no debt*

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heretofore or hereafter incurred by the said city of New York for the acquisition or construction of railroad or dock property to be owned by said city, shall be so included after it shall have been ascertained and determined as hereinafter provided that the said city is receiving annually from such property an income in excess of the interest payable by said city upon the total debt incurred for the acquisition of said property; provided that for the payment of any debt hereafter so incurred for the acquisition or construction of such property a sinking fund shall be created by providing annually from the income of the property acquired, and by taxation if necessary, a sum sufficient to meet the interest as it accrues, and also to produce at maturity of the obligation an amount equal to the principal debt. The appellate division of the supreme court in the first department shall, from time to time, upon the application of the board of estimate and apportionment or other chief financial board of said city, ascertain and by order determine what particular debt or debts, if any, so incurred for the acquisition or construction of such property shall not be so included, provided that such ascertainment and determination shall be upon notice to the governor and the attorney general of the state and to the mayor of said city, and upon other reasonable public notice to be prescribed by the court, and that the attorney general, either upon his own motion or upon the direction of the governor, and the mayor of the said city, and any resident of the said city who shall be the owner of real estate therein, duly assessed for taxation, shall be entitled to appear and to be heard in the proceeding for such ascertainment and determination. Any increase in the debt-incurring power of the city of New York which shall result from any such order for the exclusion of any debt heretofore or hereafter incurred, shall be available only for the acquirement or construction of property of the same kind as that for which the debt so excluded was incurred. Whenever the boundaries of any city are the same as those of a county, or when any city shall include within its boundaries more than one county, the power of any county wholly included within such city to become indebted shall cease, but the debt of the county, heretofore existing, shall not, for the purposes of this section, be reckoned as a part of the city debt. The amount hereafter to be raised by tax for county or city purposes, in any county containing a city of over one hundred thousand inhabitants, or any such city of this

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state, in addition to providing for the principal and interest of existing debt, shall not in the aggregate exceed in any one year two per centum of the assessed valuation of the real and personal estate of such county or city, to be ascertained as prescribed in this section in respect to county or city debt.

1908. S. No. 210 (Int. 202). (Same as A. No. 430.)

S. J. 64.

A. No. 430 (Int. 417). (Same as S. No. 210.)

11. Limitation of indebtedness of New York city — debts for railroads, docks or other improvements excepted if income sufficient to pay interest

§ 10. No county, city, town or village shall hereafter give any money or property, or loan its money or credit to or in aid of any individual, association or corporation, or become directly or indirectly the owner of stock in, or bonds of, any association or corporation; nor shall any such county, city, town or village be allowed to incur any indebtedness except for county, city, town or village purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor as may be authorized by law. No county or city shall be allowed to become indebted for any purpose or in any manner to an amount which, including existing indebtedness, shall exceed ten per centum of the assessed valuation of the real estate of such county or city subject to taxation, as it appeared by the assessment rolls of said county or city on the last assessment for state or county taxes prior to the incurring of such indebtedness; and all indebtedness in excess of such limitation, except such as now may exist, shall be absolutely void, except as herein otherwise provided. No county or city whose present indebtedness exceeds ten per centum of the assessed valuation of its real estate subject to taxation, shall be allowed to become indebted in any further amount until such indebtedness shall be reduced within such limit. This section shall not be construed to prevent the issuing of certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained, or to be contained in the taxes for the year when such certificates or revenue bonds are issued and payable out of such taxes. Nor shall this section be construed to prevent the issue of bonds to provide for the supply of water; but the term of the bonds issued to provide the supply of water shall not exceed twenty years, and a sinking fund shall be created on the

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issuing of the said bonds for their redemption, by raising annually a sum which will produce an amount equal to the sum of the principal and interest of said bonds at their maturity. All certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes, which are not retired within five years after their date of issue, and bonds issued to provide for the supply of water, and any city debt hereafter incurred by any portion or part of a city, if there shall be any such debt, shall be included in ascertaining the power of the city to become otherwise indebted; except that debts incurred by the city of New York after the first day of January, nineteen hundred and four, [to provide for the supply of water,] and debts incurred by any city of the second class after the first day of January, nineteen hundred and eight, to provide for the supply of water, shall not be so included[.]; and except further that debts heretofore or hereafter incurred by the said city for the acquisition of property or for the construction of railroads, docks or other improvements which shall be owned by the said city, shall not be so included if it shall appear by the ascertainment and determination hereinafter provided that the said city is receiving current net income from such property or improvement in excess of the interest payable by the said city upon the total debt incurred for the acquisition of such property or the making of such improvement. The appellate division of the supreme court in the first department shall, from time to time, upon the application of the board of estimate and apportionment or other chief financial board of the said city, ascertain and by order determine the existing debt or debts incurred by it for such acquisition of property or the making of such improvement and which shall not be so included, provided that such ascertainment and determination shall be upon the notice to the governor and attorney-general of the state and to the mayor of the said city and upon other reasonable public notices to be prescribed by the court, and that the attorney-general, either upon his own motion or upon the direction of the governor, and the mayor of the said city, and any resident of the said city who shall be the owner of real estate therein, duly assessed for taxation, shall be entitled to appear and to be heard in the proceeding for such ascertainment and determination, and provided further that any such ascertainment and determination, shall be valid and effectual only for such period as shall

be prescribed therein not exceeding five years from and after the making thereof, but shall not prevent the making of any new ascertainment and determination whether during or after such period. Whenever the boundaries of any city are the same as those of a county, or when any city shall include within its boundaries more than one county, the power of any county wholly included within such city to become indebted shall cease, but the debt of the county, heretofore existing, shall not, for the purposes of this section, be reckoned as a part of the city debt. The amount hereafter to be raised by tax for county or city purposes, in any county containing a city of over one hundred thousand inhabitants, or any such city of this state, in addition to providing for the principal and interest of existing debt, shall not in the aggregate exceed in any one year two per centum of the assessed valuation of the real and personal estate of such county or city, to be ascertained as prescribed in this section in respect to county or city debt.

1908. A. No. 772 (Int. 674).

A. J. 293.

12. Restricting legislation as to cities — municipal control of public utilities

(For proposed amendment to this and other sections restricting the power of the legislature over cities and providing for municipal control of public utilities, see p. 337.)

§ 12. The members of the said board and of the said commissions shall be appointed by the Governor, by and with the advice and consent of the Senate; and any member may be removed from office by the Governor for cause, an opportunity having been given him to be heard in his defense.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Short ballot

(For proposed amendment to this and other sections providing for the short ballot, see p. 322.)

2. Terms and salaries of members of legislature, governor and lieutenant-governor — short ballot

(For proposed amendment to this and other sections changing the terms and salaries of members of the legislature, governor and lieutenant-governor, and providing for the short ballot, see p. 319.)

§ 13. Existing laws relating to institutions referred to in the foregoing sections and to their supervision and inspection, in so far as such laws are not inconsistent with the provisions of the

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Constitution, shall remain in force until amended or repealed by the Legislature. The visitation and inspection herein provided for, shall not be exclusive of other visitation and inspection now authorized by law.

AMENDMENT PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Initiative, referendum and recall

(For proposed amendment to this and other sections providing for the initiative, the referendum and the recall of elective officers, see p. 293.)

ARTICLE IX

§ 3. The capital of the common school fund, the capital of the literature fund, and the capital of the United States deposit fund, shall be respectively preserved inviolate. The revenue of the said common school fund shall be applied to the support of common schools; the revenue of the said literature fund shall be applied to the support of academies; and the sum of twenty-five thousand dollars of the revenues of the United States deposit fund shall each year be appropriated to and made part of the capital of the said common school fund.

AMENDMENT PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Biennial sessions of legislature — United States deposit fund

(For proposed amendment to this and other sections providing for biennial sessions of the legislature and regulating the use of the United States deposit fund for educational purposes, see p. 314.)

ARTICLE X

§ 1. Sheriffs, clerks of counties, district attorneys, and registers in counties having registers, shall be chosen by the electors of the respective counties, once in every three years and as often as vacancies shall happen, except in the counties of New York and Kings, and in counties whose boundaries are the same as those of a city, where such officers shall be chosen by the electors once in every two or four years as the Legislature shall direct. Sheriffs shall hold no other office, and be ineligible for the next term after the termination of their offices. They may be required by law to renew their security, from time to time; and in default of giving such new security, their offices shall be deemed

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vacant. But the county shall never be made responsible for the acts of the sheriff. The Governor may remove any officer, in this section mentioned, within the term for which he shall have been elected; giving to such officer a copy of the charges against him, and an opportunity of being heard in his defense.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Terms of office of sheriffs, county clerks, district attorneys and registers

§ 1. [Sheriffs, clerks of counties, district attorneys, and registers in counties having registers, shall be chosen by the electors of the respective counties, once in every three years and as often as vacancies shall happen, except in the counties of New York and Kings, and in counties whose boundaries are the same as those of a city, where such [officers] officer shall be chosen by the electors] *All sheriffs, clerk of counties, district attorneys and registers in counties having registers, now in office shall hold their offices until the expiration of their respective terms. If the terms of office of any of such officers shall expire on the last day of December of an odd numbered year their immediate successors shall be chosen by the electors of their respective counties for three years. All other sheriffs, clerks of counties, district attorneys and registers in counties having registers, shall be chosen by the electors of their respective counties once in every two or four years as the legislature shall direct. Sheriffs shall hold no other office, and be ineligible for the next term after the termination of their offices. They may be required by law to renew their security, from time to time; and in default of giving such new security, their offices shall be deemed vacant. But the county shall never be made responsible for the acts of the sheriff. The governor may remove any officer, in this section mentioned, within the term for which he shall have been elected; giving to such officer a copy of the charges against him, and an opportunity of being heard in his defense.*

1898. A. No. 895 (Int. 779).

A. J. 491.

2. Governor to appoint sheriffs — justices of appellate division to appoint county clerks and registers

§ 1. [Sheriffs, clerks of counties,] [d] District attorneys [and registers in counties having registers,] shall be chosen by the electors of the respective counties, once in every three years and as often as vacancies shall happen, except in the counties of

New York and Kings, and in counties whose boundaries are the same as those of a city, where such officers shall be chosen by the electors once in every two or four years as the legislature shall direct. *Sheriffs shall be appointed for each of the respective counties by the governor, by and with the advice and consent of the senate, and hold their office until the end of the term of the governor by whom they were nominated, and until their successors are appointed and qualified.* Sheriffs shall hold no other office and be ineligible for the next term after the termination of their offices. They may be required by law to renew their security, from time to time; and in default of giving such new security, their offices shall be deemed vacant. But the county shall never be made responsible for the acts of the sheriff. *Clerks of counties and registers in counties having registers shall be appointed by the justices of that department of the appellate division having jurisdiction over those counties, and such officers must be residents of the county in which they are appointed to serve.* The governor may remove any officer, in this section mentioned, within the term for which he shall have been **["elected;"] appointed**; giving to such officer a copy of the charges against him, and an opportunity of being heard in his defense.

1910. A. No. 872. (Int. 766).
A. J. 428.

3. Appointment or election of city officers and county officers in city of New York — term — removal

(For proposed amendment to this and other sections regarding the appointment or election of city officers and county officers in New York city, their term of office and manner of removal, see p. 335.)

§ 2. All county officers, whose election or appointment is not provided for by this Constitution, shall be elected by the electors of the respective counties or appointed by the boards of supervisors, or other county authorities, as the Legislature shall direct. All city, town and village officers, whose election or appointment is not provided for by this Constitution, shall be elected by the electors of such cities, towns and villages, or of some division thereof, or appointed by such authorities thereof, as the Legislature shall designate for that purpose. All other officers, whose election or appointment is not provided for by this Constitution, and all officers, whose offices may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct.

Article X, § 2

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE**1. Civil service — appointment of person highest on list**

§ 2. [All county officers, whose election or appointment is not provided for by this constitution, shall be elected by the electors of the respective counties or appointed by the boards of supervisors, or other county authorities, as the legislature shall direct.] All city, town and village officers, whose election or appointment is not provided for by this constitution, shall be elected by the electors of such cities, towns and villages, or of some divisions thereof, or appointed by such authorities thereof as the legislature shall designate for that purpose. All other officers, whose election or appointment is not provided for by this constitution, and all officers, whose offices may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct.] *All such appointments to all positions in the competitive class, as provided for in the civil service laws of the state, shall be made by appointing the one graded highest in open competitive examinations conducted in accordance with such laws, provided that no preference in appointment heretofore granted under the provisions of article five, section nine, shall be denied or abridged by the provisions of this section. Of those entitled to preference in appointment, as provided by article five, section nine, the one graded highest in open competitive examinations shall be appointed.*

1908. A. No. 1384 (Int. 213).

A. J. 75, 232, 806.

2. Appointment or election of city officers and county officers in city of New York — term — removal

(For proposed amendment to this and other sections regarding the appointment or election of city officers, and county officers in New York City, their term of office and manner of removal, see p. 335.)

§ 3. When the duration of any office is not provided by this Constitution, it may be declared by law, and if not so declared, such office shall be held during the pleasure of the authority making the appointment.

AMENDMENT PROPOSED BUT NOT SUBMITTED TO THE PEOPLE**1. Initiative, referendum and recall**

(For proposed amendment to this and other sections providing for the initiative, the referendum, and the recall of elective officers, see p. 293.)

Article X, § 6

§ 4. The time of electing all officers named in this article shall be prescribed by law.

AMENDMENT PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Appointment or election of city officers and county officers in city of New York — term — removal

(For proposed amendment to this and other sections regarding the appointment or election of city officers, and county officers in the city of New York, their term of office and manner of removal, see p. 335.)

§ 6. The political year and legislative term shall begin on the first day of January; and the Legislature shall, every year, assemble on the first Wednesday in January.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Biennial sessions of legislature

§ 6. The political year and legislative term shall begin on the first day of January *in each even numbered year*; and the legislature shall [every year] assemble on the first Wednesday in January *in each even numbered year*.

1908. A. No. 1274 (Int. 1048).
A. J. 664.

§ 6. The political year and legislative term shall begin on the first day of January; and the legislature shall [every year] assemble on the first Wednesday in January *in each even numbered year*.

1910. A. No. 2013 (Int. 1477).
A. J. 1528, 3263, 3272, 3329, 3396.

§ 6. (Proposal to add the following:) *and in each even numbered year, the legislative session shall not exceed the term of forty legislative days.*

1910. A. No. 2503 (Int. 179). To S.
A. J. 66, 1185, 2424, 2434, 3263, 3273, 3330, 3397, 3530, 3673.
S. J. 1920.

2. Biennial sessions of legislature — United States deposit fund

(For proposed amendment to this and other sections providing for biennial sessions of the legislature and regulating the use of the United States deposit fund for educational purposes, see p. 314.)

3. Biennial sessions of legislature—terms and apportionment of legislators

(For proposed amendment to this and other sections providing for biennial sessions of the legislature and the apportionment of the members of the legislature, see p. 310.)

Article X, § 6

4. Biennial sessions of legislature — terms and salaries of legislators — appropriations — apportionment

(For proposed amendment to this and other sections providing for biennial sessions of the legislature, changing the terms and salaries of members of the legislature and regulating the making of appropriations, see p. 311.)

§ 7. Provision shall be made by law for the removal for misconduct or malversation in office of all officers, except judicial, whose powers and duties are not local or legislative and who shall be elected at general elections, and also for supplying vacancies created by such removal.

AMENDMENT PROPOSED BUT NOT SUBMITTED TO THE PEOPLE**1. Removal of officers for misconduct or malversation in office**

§ 7. Provision shall be made by law for the removal for misconduct or malversation in office of all officers, [except judicial whose power and duties are not local or legislative and who shall be elected at general elections,] *whether elected or appointed and whether judicial, legislative or executive, whose compensation is paid by the state or by any political division thereof*; and also for supplying vacancies created by such removal.

1912. A. No. 1617 (Int. 1374).
A. J. 933.

§ 8. The Legislature may declare the cases in which any office shall be deemed vacant when no provision is made for that purpose in this Constitution.

AMENDMENT PROPOSED BUT NOT SUBMITTED TO THE PEOPLE**1. Initiative, referendum and recall**

(For proposed amendment to this and other sections providing for the initiative, the referendum, and the recall of elective officers, see p. 293.)

§ 9. No officer whose salary is fixed by the Constitution shall receive any additional compensation. Each of the other state officers named in the Constitution shall, during his continuance in office, receive a compensation, to be fixed by law, which shall not be increased or diminished during the term for which he shall have been elected or appointed; nor shall he receive to his use any fees or perquisites of office or other compensation.

Article X, § 10

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Short ballot

(For proposed amendments to this and other sections providing for the short ballot, see p. 322.)

2. Terms and salaries of members of legislature, governor and lieutenant-governor — short ballot

(For proposed amendment to this and other sections changing the terms and salaries of the members of the legislature, governor and lieutenant-governor and providing for the short ballot, see p. 319.)

3. Recall of elective officers

§ 10. (Proposal to add the following new section:) *Every elective officer in the state of New York is subject, as herein provided, to recall from office by the legal voters of the state or of the electoral district from which he is elected. There shall be required fifty per centum, but not more, of the number of electors who voted in his district at the preceding election for governor to file their petition for the recall of an elective officer. They shall set forth in said petition the reasons for said demand. If he shall offer his resignation, it shall be accepted and take effect on the day it is filed, and the vacancy shall be filled as may be provided by law. If he shall not resign within five days after the petition is filed, a special election shall be ordered to be held within thirty days in his said electoral district to determine whether the people will recall said officer. He shall continue to perform the duties of his office until the result of said special election shall be officially declared. Other candidates for the office may be nominated in the manner provided by law to be voted for at said special election. The candidate who shall receive the highest number of votes shall be deemed elected for the remainder of the term, whether it be the person against whom the recall petition was filed, or another. The recall petition shall be filed with the officer with whom a certificate for nomination to such office should be filed, and the same officer or board shall order the special election when it is required. No such petition shall be filed against any officer until he has actually held office six months, except that it may be filed against a senator or member of the assembly at any time after thirty days from the beginning of the first session after his election. After one special election, no further recall petition shall be filed against the same officer during the term for which he was elected unless such further petitioners shall pay into the public treasury which has paid such special election expenses the whole amount of the expenses*

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for the preceding special election. The signatures to such petition need not be appended to one paper, but each signer shall add to his signature, which shall be in his own handwriting, his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Such additional legislation as may aid the operation of this section shall be enacted by the legislature, including provision for payment out of the public treasury of the lawful special election campaign expenses of any such officer against whom a recall petition shall be filed.

1911. S. No. 242 (Int. 237). (Same as A. No. 344.)

S. J. 94.

A. No. 344 (Int. 343). (Same as S. No. 242.)

A. J. 161.

§ 10. *Every elective officer in the state of New York is subject, as herein provided, to recall from office by the legal voters of the state or of the electoral district from which he is elected. There shall be required twenty-five per centum, but not more, of the number of electors who voted in his district at the preceding election for governor to file their petition for the recall of an elective officer. They shall set forth in said petition the reasons for said demand. If he shall offer his resignation, it shall be accepted and take effect on the day it is filed, and the vacancy shall be filled as may be provided by law. If he shall not resign within five days after the petition is filed, a special election shall be ordered to be held within thirty days in his said electoral district to determine whether the people will recall said officer. He shall continue to perform the duties of his office until the result of said special election shall be officially declared. Other candidates for the office may be nominated in the manner provided by law to be voted for at said special election. The candidate who shall receive the highest number of votes shall be deemed elected for the remainder of the term, whether it be the person against whom the recall petition was filed, or another. The recall petition shall be filed with the officer with whom a certificate for nomination to such office should be filed, and the same officer or board shall order the special election when it is required. No such petition shall be filed against any officer until he has actually held office six months, except that it may be filed against a senator or member of the assembly at any*

Article XI, § 4.

time after thirty days from the beginning of the first session after his election. After one special election, no further recall petition shall be filed against the same officer during the term for which he was elected unless such further petitioners shall pay into the public treasury which has paid such special election expenses the whole amount of the expenses for the preceding special election. The signatures to such petition need not be appended to one paper, but each signer shall add to his signature, which shall be in his own handwriting, his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Such additional legislation as may aid the operation of this section shall be enacted by the legislature, including provision for payment out of the public treasury of the lawful special election campaign expenses of any such officer against whom a recall petition shall be filed.

1912. S. No. 13 (Int. 13). (Same as A. No. 331.)

S. J. 9, 356.

A. No. 331 (Int. 329). (Same as S. No. 13.)

A. J. 92.

1914. S. No. 304 (Int. 298).

S. J. 80.

(For other proposals providing for the recall, see proposed amendment providing for the initiative, the referendum and the recall of elective officers, p. 293.)

ARTICLE XI

§ 4. The Governor shall appoint the chiefs of the several staff departments, his aides-de-camp and military secretary, all of whom shall hold office during his pleasure, their commissions to expire with the term for which the Governor shall have been elected; he shall also nominate, and with the consent of the Senate appoint, all major-generals.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Short ballot

(For proposed amendment to this and other sections providing for the short ballot, see p. 322.)

2. Terms and salaries of members of legislature, governor and lieutenant-governor — short ballot

(For proposed amendment to this and other sections changing the terms and salaries of the members of the legislature, governor and lieutenant-governor and providing for the short ballot, see p. 319.)

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§ 6. The commissioned officers shall be commissioned by the Governor as commander-in-chief. No commissioned officer shall be removed from office during the term for which he shall have been appointed or elected, unless by the Senate on the recommendation of the Governor, stating the grounds on which such removal is recommended, or by the sentence of a court-martial, or upon the findings of an examining board organized pursuant to law, or for absence without leave for a period of six months or more.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE**1. Short ballot**

(For proposed amendment to this and other sections providing for the short ballot, see p. 322.)

2. Terms and salaries of members of legislature, governor and lieutenant-governor — short ballot

(For proposed amendment to this and other sections changing the terms and salaries of the members of the legislature, governor and lieutenant-governor, and providing for the short ballot, see p. 319.)

ARTICLE XII

§ 1. It shall be the duty of the Legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debt by such municipal corporations.

AMENDMENT SUBMITTED TO THE PEOPLE AND ADOPTED

§ 1. It shall be the duty of the legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debt by such municipal corporations[.]; and the legislature may regulate and fix the wages or salaries, the hours of work or labor, and make provision for the protection, welfare and safety of persons employed by the state or by any county, city, town, village or other civil division of the state, or by any contractor or subcontractor performing work,

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labor or services for the state, or for any county, city, town, village or other civil division thereof.

1902. S. No. 984 (Int. 746). (Same as A. No. 1635.) To Sec. of State.
 S. J. 801, 1230, 1283, 1417, 1616.
 A. J. 2343, 2516, 3126.
 A. No. 1635 (Int. 1207). (Same as S. No. 984.)
 A. J. 1547, 2013, 2054, 2955.
 S. J. 1253, 1473.
1903. S. No. 1052 (Int. 18). To A. Amended, A. No. 2112, and substituted for A. No. 2054. To Sec. of State.
 S. J. 20, 572, 838, 975, 1003, 1509, 1566.
 A. J. 2141, 2783, 2785, 2994.
 A. No. 2054 (Int. 574). (S. No. 1052 as amended, A. No. 2112, substituted.)
 A. J. 296, 691, 2242, 2772, 2785.
 Adopted Nov. 7, 1905.
 Vote: for, 338,570; against, 133,606.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE**1. Municipal home rule**

§ 1. It shall be the duty of the legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debt by such municipal corporations[.]. *by the passage of general laws only, applicable alike to all cities or to all incorporated villages.*[; and the legislature may regulate and fix the wages or salaries, the hours of work or labor, and make provision for the protection, welfare and safety of persons employed by the state or by any county, city, town, village or other civil division of the state, or by any contractor or subcontractor performing work, labor or services for the state, or for any county, city, town, village or other civil division thereof.] *And the legislature shall not pass any special or local bill affecting the local or municipal government of a city or incorporated village. Nor shall the legislature provide for the filling of any municipal office now existing or hereafter to be created, otherwise than by popular election or by appointment by the mayor, or other elected municipal officer; except that clerks and subordinates of departments may be appointed by the heads of such departments. The people of every city and incorporated village shall have the power to organize their own local and municipal government and to administer the same for local and municipal purposes, subject only to such general laws as the legislature may enact. No city or incorporated village shall increase its permanent debt, or under-*

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take new public works, or direct public funds into new channels of expenditure, or issue its bonds other than revenue bonds, until the act or resolution authorizing the same shall have been published for at least one month, and thereafter submitted to the people of the city, at a general election, and have received a majority of all the votes cast for and against it, at such election.

1906. S. No. 331 (Int. 6). (Same as A. No. 29.)

S. J. 8, 142.

A. No. 29 (Int. 29). (Same as S. No. 331.)

A. J. 25.

§ 1. It shall be the duty of the legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debt by such municipal corporations, *by the passage of general laws only, applicable alike to all cities or to all incorporated villages. And the legislature shall not pass any special or local bill affecting the local or municipal government of a city or incorporated village. Nor shall the legislature provide for the filling of any municipal office now existing or hereafter to be created, otherwise than by popular election within such municipality, or by appointment by a duly elected officer of such municipality. The people of every city and incorporated village shall have the power to organize their own local and municipal government and to administer the same for local and municipal purposes, subject only to such general laws as the legislature may enact. No city or incorporated village shall increase its permanent debt; or undertake new public works; or direct public funds into new channels of expenditures; or issue its bonds, other than revenue bonds, or bonds for public improvements the cost of which is to be met by assessment upon private property, or bonds issued for purposes from which the city or incorporated village is to derive a revenue other than by taxation to be applied to the redemption of such bonds; until the act or resolution authorizing the same shall have been published, for at least one month, in at least two newspapers circulating within the municipality, and thereafter submitted to the people of the municipality, at a general election, and have received a majority of all the votes cast for and against it, at such election.* [; and the legislature may regulate and fix the wages or salaries, the hours of work or labor, and make provision for the protection, welfare and safety of persons employed

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by the state or by any county, city, town, village or other civil division of the state, or by any contractor or subcontractor performing work, labor or services for the state, or for any county, city, town, village or other civil division thereof.】

1908. S. No. 423 (Int. 379).

S. J. 173.

§ 1. (Proposal to add the following:) *The legislature may provide by general laws applicable to all cities of a class for the holding in each of such cities at intervals to be fixed by law of charter conventions, composed of delegates to be elected by the voters of such city, for the purpose of revising the charter thereof. The legislature may also provide that such charter shall not take effect until it shall have been submitted to the voters of such city and approved in the manner provided by law. The legislature may also provide for the manner in which the charter of such city may be amended and for the submission of proposed amendments to the voters upon the initiation of the common council or other governing body, or upon petition of a percentage or number of the voters of such city, and for the manner in which such proposed amendments shall be adopted.*

1912. S. No. 363 (Int. 347). (Same as A. No. 489.)

S. J. 92.

A. No. 489 (Int. 477). (Same as S. No. 363.)

A. J. 137.

§ 1. It shall be the duty of the legislature [to provide for the organization of cities and incorporated villages, and] to restrict the towns, cities, villages and counties in their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debt by such municipal corporations. *All the affairs of the municipalities shall be controlled and regulated by the municipalities themselves; the powers and functions of the municipalities shall be and continue unrestricted excepting by the explicit provisions of this constitution and of the municipalities themselves. Every town, city and village may frame a charter for its own government consistent with and subject to the constitution, by causing a charter convention to be called for this purpose. The delegates to such convention shall be elected from the aldermanic district. In cities of not more than twenty-five thousand population and in the villages all the delegates may be elected on*

one general ticket, provided that in no instance shall the number of delegates be less than fifteen. The delegates shall be elected according to the principle of proportional representation. The charter may invest the municipality with any power or function, excepting such as are explicitly and by name forbidden to the municipalities by the constitution. Such charter may provide for the initiative, referendum and recall and for woman suffrage in all municipal elections. The charter adopted by the convention shall be certified in duplicate by the signatures of the chairman and secretary of the convention, and returned one copy to the chief executive officer of the town, city or village and the other to the recorder of deeds of the county. Such proposed charter shall be published within thirty days after its adoption by the convention, in two newspapers of general circulation in such town, city or village excepting that in towns, cities or villages of not more than twenty-five thousand population, it shall be published in one newspaper and, at the expiration of thirty days, submitted to a vote of the electors of the town, city or village at a general or special election; and if the majority of those voting on said charter shall ratify the same, it shall become the charter of such town, city or village, and the organic law thereof, and supersede any existing charter and all amendments thereof and all laws inconsistent with said charter. A copy of such charter certified by the chief executive officer and authenticated by the seal of such town, city or village, setting forth the submission of such charter to the electors, and its ratification by them shall be made in duplicate and deposited one in the office of the secretary of state and the other, after being recorded in the office of the recorder of deeds for the county in which the town, city or village is located, shall be deposited in the archives of the municipality; and the courts shall take judicial note of the provisions of said charter and it shall remain in full force and effect until amended or repealed. The charter may be amended, at intervals of not less than one year, by a proposal therefor made by a petition presented to the chief magistrate or clerk of the town, city or village bearing signatures of electors of said town, city or village equal in number to ten per centum of the total vote for governor cast in said town, city or village at the preceding general election, demanding the submission to the voters of the town, city or village of an amendment to the charter. Said proposed amendment shall be pub-

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lished and submitted to a vote in the same manner provided for the charter. A referendum for the repeal of the charter may be initiated and submitted in a like manner as amendments, at intervals of not less than two years. In submitting any such charter or amendment thereto or repeal thereof; any alternative article or proposition may be presented for the choice of the voters and may be voted on separately without prejudice to others. [and] The legislature may regulate and fix the wages or salaries, the hours of work or labor, and make provisions for the protection, welfare and safety of persons employed by the state or by any county, city, town, village or other civil division [of the state] or by any contractor or subcontractor performing work, labor or services for the state, or for any county, city, town, village or other civil division thereof.

1912. A. No. 648 (Int. 143).

A. J. 57, 207.

1913. A. No. 1912 (Int. 1693).

A. J. 1046.

(For other proposed amendments to this and other sections providing for municipal home rule, see p. 338.)

§ 2. All cities are classified according to the latest State enumeration, as from time to time made, as follows: The first class includes all cities having a population of two hundred and fifty thousand, or more; the second class, all cities having a population of fifty thousand and less than two hundred and fifty thousand; the third class, all other cities. Laws relating to the property, affairs or government of cities, and the several departments thereof, are divided into general and special city laws; general city laws are those which relate to all the cities of one or more classes; special city laws are those which relate to a single city, or to less than all the cities of a class. Special city laws shall not be passed except in conformity with the provisions of this section. After any bill for a special city law, relating to a city, has been passed by both branches of the Legislature, the house in which it originated shall immediately transmit a certified copy thereof to the mayor of such city, and within fifteen days thereafter the mayor shall return such bill to the house from which it was sent, or if the session of the Legislature at which such bill was passed has terminated, to the Governor, with the mayor's certificate thereon, stating whether the city has or has not accepted the same.

In every city of the first class, the mayor, and in every other

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city, the mayor and the legislative body thereof concurrently, shall act for such city as to such bill; but the Legislature may provide for the concurrence of the legislative body in cities of the first class. The Legislature shall provide for a public notice and opportunity for a public hearing concerning any such bill in every city to which it relates, before action thereon. Such a bill, if it relates to more than one city, shall be transmitted to the mayor of each city to which it relates, and shall not be deemed accepted unless accepted as herein provided, by every such city. Whenever any such bill is accepted as herein provided, it shall be subject as are other bills, to the action of the Governor. Whenever, during the session at which it was passed, any such bill is returned without the acceptance of the city or cities to which it relates, or within such fifteen days is not returned, it may nevertheless again be passed by both branches of the Legislature, and it shall then be subject as are other bills, to the action of the Governor. In every special city law which has been accepted by the city or cities to which it relates, the title shall be followed by the words "accepted by the city," or "cities," as the case may be; in every such law which is passed without such acceptance, by the words "passed without the acceptance of the city," or "cities", as the case may be.

AMENDMENT SUBMITTED TO THE PEOPLE AND ADOPTED

§ 2. All cities are classified according to the latest state enumeration, as from time to time made, as follows: The first class includes all cities having a population of one hundred and seventy-five thousand [two hundred and fifty thousand] or more; the second class, all cities having a population of fifty thousand and less than one hundred and seventy-five thousand; [two hundred and fifty thousand;] the third class, all other cities. Laws relating to the property, affairs [or] of government of cities, and the several departments thereof, are divided into general and special city laws; general city laws are those which relate to all the cities of one or more classes; special city laws are those which relate to a single city, or to less than all the cities of a class. Special city laws shall not be passed except in conformity with the provisions of this section. After any bill for a special city law, relating to a city, has been passed by both branches of the legislature, the house in which it originated shall immediately

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transmit a certified copy thereof to the mayor of such city, and within fifteen days thereafter the mayor shall return such bill to the house from which it was sent, or if the session of the legislature at which such bill was passed has terminated, to the governor, with the mayor's certificate thereon, stating whether the city has or has not accepted the same. In every city of the first class, the mayor, and in every other city, the mayor and the legislative body thereof concurrently, shall act for such city as to such bill; but the legislature may provide for the concurrence of the legislative body in cities of the first class. The legislature shall provide for a public notice and opportunity for a public hearing concerning any such bill in every city to which it relates, before action thereon. Such a bill, if it relates to more than one city, shall be transmitted to the mayor of each city to which it relates, and shall not be deemed accepted unless accepted as herein provided, by every such city. Whenever any such bill is accepted as herein provided, it shall be subject as are other bills, to the action of the governor. Whenever, during the session at which it was passed, any such bill is returned without the acceptance of the city or cities to which it relates, or within such fifteen days is not returned, it may nevertheless again be passed by both branches of the legislature, and it shall then be subject as are other bills, to the action of the governor. In every special city law which has been accepted by the city or cities to which it relates, the title shall be followed by the words "accepted by the city," or "cities," as the case may be; in every such law which is passed without such acceptance, by the words "passed without the acceptance of the city," or "cities," as the case may be.

1906. S. No. 1090 (Int. 848). To Sec. of State.

S. J. 889, 1093, 1142, 1187, 1931.

A. J. 2417, 3028, 3095.

1907. A. No. 434 (Int. 425). (Same as S. No. 265.) To Sec. of State.

A. J. 124, 254, 287, 300, 324, 367, 824.

S. J. 240, 278, 364, 368.

S. No. 265 (Int. 253). (Same as A. No. 434.)

S. J. 101.

Adopted Nov. 5, 1907.

Vote: for, 309,159; against, 123,919.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Action of mayor and governor on special city bills

§ 2. All cities are classified according to the latest state enumeration, as from time to time made, as follows: The first class includes all cities having a population of two hundred and fifty

thousand, or more; the second class, all cities having a population of fifty thousand and less than two hundred and fifty thousand; the third class, all other cities. Law relating to property, affairs or government of cities, and the several departments thereof, are divided into general and special city laws; general city laws are those which relate to all the cities of one or more classes; special city laws are those which relate to a single city; or to less than all the cities of a class. Special city laws shall not be passed except in conformity with the provisions of this section. After any bill for a special city law, relating to a city, has been passed by both branches of the legislature, the house in which it originated shall immediately transmit a certified copy thereof to the mayor of such city, and within [fifteen] *ten* days thereafter the mayor shall return such bill to the house from which it was sent, or if the session of the legislature at which such bill was passed has terminated, to the governor with the mayor's certificate thereon, stating whether the city has or has not accepted the same[.], *and the governor shall have the same power over any bill so returned as over other bills, either to approve or disapprove the same, within thirty days after the return of said bill by the mayor of any city.* In every city of the first class, the mayor, and in every other city, the mayor and the legislative body thereof concurrently, shall act for such city as to such bill; but the legislature may provide for the concurrence of the legislative body in cities of the first class. The legislature shall provide for a public notice and opportunity for a public hearing concerning any such bill in every city to which it relates, before action thereon. Such a bill, if it relates to more than one city, shall be transmitted to the mayor of each city to which it relates, and shall not be deemed accepted unless accepted as herein provided by every such city. Whenever any such bill is accepted as herein provided, it shall be subject, as are other bills, to the action of the governor. Whenever, during the session at which it was passed, any such bill is returned without the acceptance of the city or cities to which it relates, or within such fifteen days is not returned, it may nevertheless again be passed by both branches of the legislature, and it shall then be subject as are other bills, to the action of the governor. In every special city law which has been accepted by the city or cities to which it relates, the title shall be followed by the words "accepted by the city," or "cities," as the case may be; in every such law

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which is passed without such acceptance, by the words "passed without the acceptance of the city," or "cities," as the case may be.

1895. A. No. 2612 (Int. 1702). To S.
A. J. 3195, 3305, 3618, 3692.
S. J. 1813.

2. **Special city bill not to become law without approval of mayor**

§ 2. (Proposed to add the following:) *No such bill shall become a law without the approval of the mayor of each city the property, affairs or government of which is affected thereby, or by a two-thirds vote of each branch of the legislature.*

1904. S. No. 311 (Int. 288). (Same as A. No. 453.)
S. J. 114.
A. No. 453 (Int. 415). (Same as S. No. 311.)
A. J. 196.

3. **Classification of cities**

§ 2. All cities are classified according to the latest state enumeration, as from time to time made, as follows: The first class includes all cities having a population of *one hundred and eighty* [two hundred and fifty] thousand, or more; the second class, all cities having a population of fifty thousand and less than *one hundred and eighty* [two hundred and fifty] thousand; the third class, all other cities. Laws relating to the property, affairs [or] of government of cities, and the several departments thereof, are divided into general and special city laws; general city laws are those which relate to all the cities of one or more classes; special city laws are those which relate to a single city, or to less than all the cities of a class. Special city laws shall not be passed except in conformity with the provisions of this section. After any bill for a special city law, relating to a city has been passed by both branches of the legislature, the house in which it originated shall immediately transmit a certified copy thereof to the mayor of such city, and within fifteen days thereafter the mayor shall return such bill to the house from which it was sent, or if the session of the legislature at which such bill was passed has terminated, to the governor, with the mayor's certificate thereon, stating whether the city has or has not accepted the same. In every city of the first class, the mayor, and in every other city, the mayor, and the legislative body thereof concurrently, shall act for such city as to such bill; but the legislature may provide for the concurrence of the legislative body in cities of the first class. The legislature shall provide for a public notice and opportunity for a public hearing

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concerning any such bill in every city to which it relates, before action thereon. Such a bill, if it relates to more than one city, shall be transmitted to the mayor of each city to which it relates, and shall not be deemed accepted unless accepted as herein provided, by every such city. Whenever any such bill is accepted as herein provided, it shall be subject as are other bills, to the action of the governor. Whenever, during the session at which it was passed, any such bill is returned without the acceptance of the city or cities to which it relates, or within such fifteen days is not returned, it may nevertheless again be passed by both branches of the legislature, and it shall then be subject as are other bills, to the action of the governor. In every special city law which has been accepted by the city or cities to which it relates, the title shall be followed by the words accepted by the city, or cities, as the case may be; in every such law which is passed without such acceptance, by the words passed without the acceptance of the city, or cities, as the case may be.

1906. A. No. 2009 (Int. 1466).

A. J. 1825.

4. Initiative and referendum

(For proposed amendment to this and other sections providing for the initiative and the referendum, see p. 271.)

5. Initiative, referendum and recall

(For proposed amendment to this and other sections providing for the initiative, the referendum and the recall, see p. 293.)

6. Municipal home rule

(For proposed amendment to this and other sections providing for municipal home rule, see p. 338.)

§ 3. All elections of city officers, including supervisors and judicial officers of inferior local courts, elected in any city or part of a city, and of county officers elected in the counties of New York and Kings, and in all counties whose boundaries are the same as those of a city, except to fill vacancies, shall be held on the Tuesday succeeding the first Monday in November in an odd-numbered year, and the term of every such officer shall expire at the end of an odd-numbered year. The terms of office of all such officers elected before the first day of January, one thousand eight hundred and ninety-five, whose successors have not then been elected, which under existing laws would expire with an even-numbered year, or in an odd-numbered year and before the end thereof, are extended to and including the last day of December next following the time when such terms would other-

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wise expire; the terms of office of all such officers, which under existing laws would expire in an even-numbered year, and before the end thereof, are abridged so as to expire at the end of the preceding year. This section shall not apply to any city of the third class, or to elections of any judicial officer, except judges and justices of inferior local courts.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE**1. Appointment or election of city officers and county officers in New York city — term — removal**

(For proposed amendment to this and other sections regarding the appointment or election of city officers and county officers in New York City, their term of office and manner of removal, see p. 336.)

2. Municipal home rule

(For proposed amendment to this and other sections providing for municipal home rule, see p. 338.)

3. Referendum on street railway franchises

§ 4. (Proposal to add the following new section:) *All franchises, grants or acts for the construction, operation or extension of street railways, either surface, subway or elevated, in any city of the first class, shall be submitted to the people of such city at a regular election, or at a special election called for the purpose, and no such franchise, grant or act shall be given or made, or shall be of any effect, unless a majority of the voters of such city voting thereon at such election, shall approve the same.*

1912. A. No. 1943 (Int. 1574).

A. J. 1347.

1913. A. No. 457 (Int. 452).

A. J. 128.

4. Restricting legislation as to cities — municipal control of public utilities

(For proposed amendment restricting legislation as to cities and regulating municipal control of public utilities, see p. 337.)

ARTICLE XIII

§ 5. No public officer, or person elected or appointed to a public office, under the laws of this State, shall directly or indirectly ask, demand, accept, receive or consent to receive for his own use or benefit, or for the use or benefit of another, any free pass, free transportation, franking privilege or discrimination in passenger, telegraph or telephone rates, from any person or corporation, or make use of the same himself or in conjunction with another.

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A person who violates any provision of this section, shall be deemed guilty of a misdemeanor, and shall forfeit his office at the suit of the Attorney-General. Any corporation, or officer or agent thereof, who shall offer or promise to a public officer, or person elected or appointed to a public office, any such free pass, free transportation, franking privilege or discrimination, shall also be deemed guilty of a misdemeanor and liable to punishment except as herein provided. No person, or officer or agent of a corporation giving any such free pass, free transportation, franking privilege or discrimination hereby prohibited, shall be privileged from testifying in relation thereto, and he shall not be liable to civil or criminal prosecution therefor if he shall testify to the giving of the same.

AMENDMENT PROPOSED BUT NOT SUBMITTED TO THE PEOPLE**1. Repeal**

(Proposal to abrogate this section.)

1896. A. No. 683 (Int. 632).

A. J. 341.

ARTICLE XIV

§ 1. Any amendment or amendments to this Constitution may be proposed in the Senate and Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, and the yeas and nays taken thereon, and referred to the Legislature to be chosen at the next general election of senators, and shall be published for three months previous to the time of making such choice; and if in the Legislature so next chosen, as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit each proposed amendment or amendments to the people for approval in such manner and at such times as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors voting thereon, such amendment or amendments shall become a part of the Constitution from and after the first day of January next after such approval.

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE**1. Approval of proposed amendments by governor**

§ 2.* Any amendment or amendments to this constitution may be proposed in the senate and assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, *and approved by the governor*, such proposed amendment or amendments shall be entered on their journals, and the yeas and nays taken thereon, and referred to the legislature to be chosen at the next general election of senators, and shall be published for three months previous to the time of making such choice; and if in the legislature so next chosen, as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, *and approved by the governor*, then it shall be the duty of the legislature to submit [each] *such* proposed amendment or amendments to the people for approval in such manner and at such [times] *time* as the legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors voting thereon, such amendment or amendments shall become a part of the constitution from and after the first day of January next after such approval.

1907. A. No. 2627 (Int. 1836).
A. J. 2684.

2. Vote of people necessary to ratify amendment proposed by legislature — time of submission

§ 1. Any amendment or amendments to this Constitution may be proposed in the senate and assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, and the yeas and nays taken thereon, and referred to the legislature to be chosen at the next general election of senators, and shall be published for three months previous to the time of making such choice; and if in the legislature so next chosen, as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislature to submit [each] *such* proposed amendment or amendments to the people for approval in such manner and at such [times]

* So in original. Compared with Art. XIV, § 1.

Article XIV, § 1

general election as the legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by *the affirmative vote of electors equal in number to a majority of the electors of the state voting for members of assembly at the election at which such proposed amendment is submitted*, [voting thereon,] such amendment or amendments shall become a part of the Constitution from and after the first day of January next, after such approval.

1906. S. No. 997 (Int. 785).

S. J. 748.

1907. A. No. 768 (Int. 164). To S.

A. J. 51, 144, 255, 290, 323, 387, 427.

S. J. 272.

1908. A. No. 555 (Int. 517). To S.

A. J. 185, 325, 387, 421, 442, 463, 486, 532.

S. J. 270.

§ 1. Any amendment or amendments to this constitution may be proposed in the senate and assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, and the yeas and nays taken thereon, and referred to the legislature to be chosen at the next general election of senators, and shall be published for three months previous to the time of making such choice; and if in the legislature so next chosen, as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislature to submit such proposed amendment or amendments to the people for approval in such manner and at such [times] *general election* as the legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments *in one of the following methods: First, by the affirmative vote of electors equal in number to a majority of the electors of the state voting for members of assembly at the election at which such proposed amendment is submitted, [voting thereon] or second, provided two-thirds of all the electors voting at such election shall vote thereon, by the affirmative votes of a majority of the electors voting thereon;* such amendment or amendments shall become a part of the constitution from and after the first day of January next, after such approval.

1906. A. No. 1600 (Int. 585). To S.

A. J. 275, 335, 478, 521, 555, 570, 613, 739, 767, 786, 827, 921, 1002, 1132, 1191, 1417, 1488, 1592.

S. J. 822.

Article XIV, § 1

3. Two-thirds vote of legislature on proposed amendments

§ 1. Any amendment or amendments to this constitution may be proposed in the Senate and Assembly; and if the same shall be agreed to by [a majority] *two-thirds* of *all of* the members elected to each [of the two houses] *house*, such proposed amendment or amendments shall be entered on their journals, and the yeas and nays taken thereon, and referred to the legislature to be chosen at the next general election of senators, and shall be published for three months previous to the time of making such choice; and if in the legislature so next chosen, as aforesaid, such proposed amendment or amendments shall be agreed to by [a majority] *two-thirds* of all the members elected to each house, then it shall be the duty of the legislature to submit each proposed amendment or amendments to the people for approval in such manner and at such times as the legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors voting thereon, such amendment or amendments shall become a part of the constitution from and after the first day of January next after such approval.

1910. A. No. 1015 (Int. 867).

A. J. 560.

4. Two-thirds vote of legislature on proposed amendments — time of submission to people — vote necessary to ratify amendment

§ 1. Any amendment or amendments to this Constitution may be proposed in the Senate and Assembly; and if the same shall be agreed to by [a majority] *two-thirds* of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, and the yeas and nays taken thereon, and referred to the Legislature to be chosen at the next general election of senators, and shall be published for three months previous to the time of making such choice; and if in the Legislature so next chosen, as aforesaid, such proposed amendment or amendments shall be agreed to by [a majority] *two-thirds* of all the members elected to each house, then it shall be the duty of the Legislature to submit each proposed amendment or amendments to the people for approval in such manner and at such times as the Legislature shall prescribe; *and if such amendment or amendments shall be submitted to the people at a general election at which members of assembly are elected and [if] the*

Article XIV, § 1

people shall approve and ratify such amendment or amendments by a majority of the electors voting thereon *and the vote in favor thereof shall equal one-third of the total vote for members of assembly at such election, or if submitted at any other election, if the people shall approve and ratify such amendment or amendments by a majority vote of the electors voting thereon, and the vote in favor thereof shall equal one-third of the total vote for members of assembly at the last preceding general election at which members of assembly were elected*, such amendment or amendments shall in either case become a part of the Constitution from and after the first day of January next after such approval.

1910. A. No. 745 (Int. 184). To S.

A. J. 66, 93, 250, 300, 344, 351, 414, 499, 500.

S. J. 246.

5. Submission of amendments on petition of voters

§ 1. (Proposal to add the following:) *provided, that if at any time, any specific amendment or amendments to this constitution be proposed upon a petition to the legislature of one hundred thousand legal voters of the state, it shall be the duty of the legislature to submit such proposed amendment or amendments to the people at a special election to be held for the purpose, or at the next general state election; and if any such proposed amendment or amendments shall be approved and ratified by a majority of the voters voting thereon, it shall become a part of the constitution of this state.*

1912. A. No. 1715 (Int. 1437).

A. J. 986.

6. Initiative and referendum

(For proposed amendment to this and other sections providing for the initiative and referendum, see p. 271.)

7. Initiative, referendum and recall

(For proposed amendment to this and other sections providing for the initiative, the referendum and the recall of elective officers, see p. 293.)

8. Single legislative body

(For proposed amendment to this and other sections providing for a single legislative body, see p. 316.)

§ 2. **At the general election to be held in the year one thousand nine hundred and sixteen, and every twentieth year thereafter, and also at such times as the Legislature may by law provide, the question, " Shall there be a convention to revise the Constitu-**

Article XIV, § 2

tion and amend the same? " shall be decided by the electors of the State; and in case a majority of the electors voting thereon shall decide in favor of a convention for such purpose, the electors of every senate district of the State, as then organized, shall elect three delegates at the next ensuing general election at which members of the Assembly shall be chosen, and the electors of the State voting at the same election shall elect fifteen delegates at large. The delegates so elected shall convene at the capitol on the first Tuesday of April next ensuing after their election, and shall continue their session until the business of such convention shall have been completed. Every delegate shall receive for his services the same compensation and the same mileage as shall then be annually payable to the members of the Assembly. A majority of the convention shall constitute a quorum for the transaction of business, and no amendment to the Constitution shall be submitted for approval to the electors as hereinafter provided, unless by the assent of a majority of all the delegates elected to the convention, the yeas and nays being entered on the journal to be kept. The convention shall have the power to appoint such officers, employees and assistants as it may deem necessary, and fix their compensation and to provide for the printing of its documents, journal and proceedings. The convention shall determine the rules of its own proceedings, choose its own officers, and be the judge of the election, returns and qualification of its members. In case of a vacancy, by death, resignation or other cause, of any district delegate elected to the convention, such vacancy shall be filled by a vote of the remaining delegates representing the district in which such vacancy occurs. If such vacancy occurs in the office of a delegate-at-large, such vacancy shall be filled by a vote of the remaining delegates-at-large. Any proposed constitution or constitutional amendment which shall have been adopted by such convention, shall be submitted to a vote of the electors of the State at the time and in the manner provided by such convention, at an election which shall be held not less than six weeks after the adjournment of such convention. Upon the approval of such constitution or constitutional amendments, in the manner provided in the last preceding section, such constitution or constitutional amendment, shall go into effect on the first day of January next after such approval.

Article XIV, § 2

AMENDMENTS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE**1. Vote necessary to ratify constitution or constitutional amendments submitted by constitutional convention**

§ 2. At the general election to be held in the year one thousand nine hundred and sixteen, and every twentieth year thereafter, and also at such times as the legislature may by law provide, the question, "Shall there be a convention to revise the constitution and amend the same?" shall be decided by the electors of the state; and in case a majority of the electors voting thereon shall decide in favor of a convention for such purpose, the electors of every senate district of the state, as then organized, shall elect three delegates at the next ensuing general election at which members of the assembly shall be chosen, and the electors of the state voting at the same election shall elect fifteen delegates-at-large. The delegates so elected shall convene at the capitol on the first Tuesday of April next ensuing after their election, and shall continue their session until the business of such convention shall have been completed. Every delegate shall receive for his services the same compensation and the same mileage as shall then be annually payable to the members of the assembly. A majority of the convention shall constitute a quorum for the transaction of business, and no amendment to the constitution shall be submitted for approval to the electors as hereinafter provided, unless by the assent of a majority of all the delegates elected to the convention, the yeas and nays being entered on the journal to be kept. The convention shall have the power to appoint such officers, employees and assistants as it may deem necessary, and fix their compensation and to provide for the printing of its documents, journal and proceedings. The convention shall determine the rules of its own proceedings, choose its own officers, and be the judge of the election, returns and qualifications of its members. In case of a vacancy, by death, resignation or other cause, of any district delegate elected to the convention, such vacancy shall be filled by a vote of the remaining delegates representing the district in which such vacancy occurs. If such vacancy occurs in the office of a delegate-at-large, such vacancy shall be filled by a vote of the remaining delegates-at-large. Any proposed constitution or constitutional amendment which shall have been adopted by such convention, shall be submitted to a vote of the electors of the state at the time and in the manner provided by such convention, at an election which shall be held not

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less than six weeks after the adjournment of such convention[.]; *and if the people shall approve and ratify* [Upon the approval of] such constitution or constitutional amendments *by a majority of the electors voting thereon*, [in the manner provided in the last preceding section,] such constitution or constitutional amendment, shall go into effect on the first day of January next after such approval.

1906. A. No. 1600 (Int. 585). To S.
A. J. 275, 335, 478, 521, 555, 570, 613, 739, 767, 786, 827, 921,
1002, 1132, 1191, 1417, 1488, 1592.
S. J. 822.
1907. A. No. 768 (Int. 164). To S.
A. J. 51, 144, 255, 290, 323, 387, 427.
S. J. 272.
1908. A. No. 555 (Int. 517). To S.
A. J. 185, 325, 387, 421, 442, 463, 486, 532.
S. J. 270.

2. Initiative, referendum and recall

(For proposed amendment to this and other sections providing for the initiative, the referendum and the recall of elective officers, see p. 293.)

3. Single legislative body

(For proposed amendment to this and other sections providing for a single legislative body, see p. 316.)

PROPOSALS TO ADD NEW ARTICLE XVI

1. Initiative and referendum

§ 1. (The two following proposals to add a new Article XVI were not submitted to the people.) *The right to approve or to reject proposed amendments to the constitution, and proposed laws applying to the State as a whole, shall rest with a majority of the electors of the State. The right to approve or reject proposed laws applying only to any political subdivision of the State (such as county, city, town or village) shall rest with a majority of the qualified electors of such political subdivision. The method of such approval or rejection shall be that known as the referendum.*

§ 2. *The right to propose amendments to this constitution, and laws applying to the State as a whole, shall (in addition to being exercised by members of the senate and assembly) rest with the electors of the State; and the right to propose laws affecting only a political subdivision of the State, such as are enumerated in section one of this article, shall (in addition to being exercised by members of the local legislature) rest with the electors of such subdivision. The method to be employed in so proposing measures shall be that known as the initiative.*

§ 3. *The right to demand a submission of any measure to the direct vote of the electors, shall, in the case of amendments to this constitution, and of laws applying to the State as a whole, rest with such proportion of the electors thereof, not to exceed ten per centum, as may be determined by law; and in case of laws applying only to a political subdivision of the State, with such proportion of the electors of such subdivision, not to exceed ten per centum, as may be determined by a law of such subdivision. In determining the percentage of electors required to make any demand for submission legal, the same shall be computed upon the number of electors casting ballots at the last regular election immediately preceding the filing of such demand.*

§ 4. *All demands for such submissions to direct vote of the electors shall be written or printed, shall, when demanding submission of bills already enacted by a legislative body, refer the same by title, chapter and number, if the bill have such designations, and shall in all other cases contain the full text of the proposed law. Such demands shall be signed by the electors making the same, and shall state adjacent to each signature the place where*

Article XVI, § 6

such person resides, and at least ten of the persons signing the same in each county where signatures are obtained, shall make oath before a competent officer that they are themselves duly qualified electors residing at the places stated adjacent to their respective signatures, and believe that all the other persons signing such demand and residing in the same county with themselves are also duly qualified electors residing as stated therein. Such demands shall, in case of laws applying to the State as a whole, be filed with the secretary of state, and in case of laws applying only to a political subdivision of the State, with such officer of such subdivision as the law thereof may direct.

§ 5. *All measures demand for the submission of which has been duly filed with the proper officer shall be by him properly published in full according to law, and he shall cause the same to be submitted to a direct vote of the electors qualified to vote thereon, at the first regular election held after the expiration of thirty days from the filing of such demand; and the secretary of state, or other proper officer qualified to receive the same, with whom any such demand for the submission of any measure, filed under any of the various sections of this article, shall have been in due form filed, who shall neglect or refuse to comply with such demand, and who shall fail to submit properly the measure therein named to a vote of the electors qualified to vote thereon at the first election at which the same may be legally submitted shall be deemed to be guilty of misfeasance in office, and shall be liable to impeachment, and to be indicted and punished as may be by law directed; provided, that nothing in this section contained shall be held to require the submission of any measure proposed by the electors through the initiative, which shall have been enacted without change or amendment therein by any competent legislative body, and which shall have duly become law at least thirty days prior to the first regular election at which the same might legally be submitted to direct vote of the electors.*

§ 6. *When a demand, through the initiative, for the submission of a proposed measure is duly filed with the officer qualified to receive the same, he shall, if the legislative body competent to enact such proposed measure into law be in session, or if it shall be regularly convened before such proposed measure can be legally submitted to a direct vote of the electors, forthwith present such proposed measure to such legislative body, by filing*

Article XVI, § 7

with the clerk thereof, or with the clerk of each house thereof if such legislative body consist of more than one house, a duly certified copy of the proposed measure and the demand for the submission of the same on file in his office, together with a statement of the number of signatures appended thereto, and thereupon such proposed measure shall take precedence in such legislative body over all bills introduced by members; and if such measure be not passed by such legislative body, and duly made law, at least thirty days prior to the holding of the first election at which such measure can legally be submitted to a vote of the electors, the officer with whom such demand shall have been filed shall submit the same to a direct vote of the electors qualified to vote thereon, according to the provisions of this article and the laws relating to submissions and elections.

§ 7. *In case any legislative body shall in any manner alter or amend, before passing the same, any measure proposed through the initiative by electors and submitted to such body under the provisions of the preceding section, then and in that event, the measure as initiated by the demand filed, and the measure as amended and passed by such legislative body, shall both be submitted to a direct vote of the electors qualified to vote thereon, under separate and distinct titles, as provided in this article; and the measure receiving an affirmative majority of the votes cast for and against such measure shall become law; but if both of such measures receive an affirmative majority of the votes cast for and against each of the same, the one receiving the higher affirmative majority shall become law, and the other shall be deemed to have been rejected.*

§ 8. *The legislature may, by a three-fourths vote of all the members elected to each house, declare certain bills to be urgent, and such bills so declared to be urgent, when approved by the governor, shall take immediate effect; but the legislature shall have no power to declare bills to be urgent, except those relating to the immediate preservation of the public peace or of the public health.*

§ 9. *Bills passed by the legislature, other than those declared to be urgent, and which shall become law with or without the approval of the governor, shall go into effect at the expiration of sixty days after the date of the final adjournment of the legislature passing such bills, unless a demand for the referendum, as provided in this article, shall in the interim be filed with the secretary of state.*

§ 10. *Neither the legislature, nor any local legislative body, shall have power to enact laws which shall in any manner alter, modify, repeal, or render nugatory laws which have been enacted by a direct vote of the electors of the State or of any political subdivision thereof.*

§ 11. *All laws, general or local, enacted by a direct vote of the electors under the provisions of this article, shall become law, unless otherwise explicitly stated therein, immediately upon the certification and filing with the proper officers of the result of the canvass of the ballots cast for and against the same, provided that such canvass shall show that more persons have voted for than have voted against the enactment of such law.*

§ 12. *Either house of the legislature, or of the legislative body of any political subdivision of the State, may, of its own motion, by resolution, provide for the submission to a direct vote of the electors qualified to vote thereon of any measure introduced in, pending before, or enacted by it, or of any question upon which such body may desire the instruction of its constituents; and immediately upon the passage of any such resolution for submission it shall become the duty of the clerk of such body to forthwith file the same with the officer competent to receive demands for the submission of like measures, or measures relating to the same matters as such question, when filed by electors, by depositing in the office of such officer duly certified copies of such measure or question and of the resolution of submission relating thereto, duly signed by the presiding officer and clerk of such body, and attested by the seal thereof, if such body have one; and thereupon it shall become the duty of such officer, with whom such papers shall have been filed, to cause such measure or question to be submitted to a direct vote of the electors qualified to vote thereon, in the same manner, and under the same penalties for failure so to do, as is provided in this article for the submission of measures upon demand made and filed by electors.*

§ 13. *Either house of the legislature, or of the legislative body of any political subdivision of the State, providing by resolution for the submission of any measure or question as provided for in the preceding section, when no regular election at which the same can be submitted to a vote of the electors qualified to vote thereon shall be appointed to be held within sixty days from the date of the passage of such resolution of submission, may, by a vote of two-*

Article XVI, § 1

thirds of all the members elected to such house, incorporate in such resolution a clause or section declaring it to be the sense of such body that the public safety demands that the measure or question referred to therein should be submitted and voted upon without delay and at a special election to be called for that purpose; and upon the filing of a resolution of submission containing such a clause passed by any such body, with the proper officer, it shall become the duty of such officer to cause a special election for the submission of such measure or question to be called forthwith; and thereupon the same proceedings shall be had, and the said measure or question shall be published, submitted and voted upon in the same manner and under the same restrictions as to manner, place and time of publication of the measure or question, and of the manner, time, and place of calling and holding the election as is provided in this constitution, and the laws relating thereto, for the submission of measures of similar import to vote of the electors at regular elections.

1895. S. No. 947 (Int. 763). To A.
S. J. 842, 1886, 1899, 2045, 2049.
A. J. —.*

§ 1. *The legislative power of this state is inherent in the people thereof and unalienably vested in them, and they shall have the right to exercise such power by direct vote in the manner provided for by this article.*

§ 2. *Whenever any fifty thousand of the duly qualified electors of the state competent to vote for members of the senate and assembly shall sign, execute and file with the secretary of state in the manner provided for by this article and the law, a petition demanding the submission to a direct vote of the electors of the state of any existing law, or any enactment, bill, resolution, order or ordinance whatsoever of the senate and assembly, or the senate or assembly, or of any proposed amendment to this constitution or of any proposed law, enactment, bill, resolution, order or ordinance which may be set forth in such petition, thereupon the secretary of state shall cause the same to be submitted to the electors of the state for their approval or rejection by direct ballot of a "Yes" and "No" vote, at the first general election held after the expiration of four months from the date of the filing of such*

* Senate Bill No. 947 (Int. 763) was apparently never received in the Assembly.

Article XVI, § 4

petition in the office of such secretary. In the case of existing laws, enactments, bills, resolutions, orders or ordinances, or which have been introduced in or are pending before either the senate or assembly, or which have passed the same, but which have not yet become of full force and effect, the same may be designated and referred to in any such petition by the title, and if it have any number by its number also; but in the case of amendments to this constitution, and of all laws, enactments, bills, resolutions, orders or ordinances proposed by any such petition without having first been introduced in the senate or assembly, the full text thereof shall be set forth in the petition. Any such petition may be written or printed, or partly written and partly printed, may be on more than one sheet of paper, more than one of which sheets may contain such petition in full, shall be signed by the electors in ink, and shall be of such form and executed in such manner as may be by law provided, save that such petitions shall contain no clause indicating whether the vote of the electors signing the same will be "Yes" or "No" upon the referendum had thereunder.

§ 3. *For at least ninety days immediately preceding an election at which any such referendum is to be had, the secretary of state shall cause any amendment to this constitution, law, enactment, bill, resolution, order or ordinance to be voted upon thereat to be published in full at least once in each week in each county of the state in the same manner and in and by the same mediums provided for by law for the publication of notices of such election. The compensation to be paid for the publication thereof shall be fixed by law, and any newspaper publisher, proprietor, manager or editor, who shall neglect or refuse to properly publish any such matter when requested to do so by the secretary of state shall be guilty of a felony, and upon conviction thereof shall be punished as provided for by law.*

§ 4. *The senate and assembly, or the senate or assembly, may by vote, and the governor may of his own motion by public proclamation duly made, demand and direct the secretary of state to cause a referendum to be had upon any matter upon which the required number of electors might by petition so demand, and the same shall have the same force and effect as a petition in due form duly made and filed, and upon due notice thereof the secretary of state shall cause the same proceedings to be had as would be necessary upon the filing of a legal petition by the required number of electors.*

Article XVI, § 5

§ 5. *No law, enactment, bill, resolution, order or ordinance, passed or enacted by the senate and assembly shall take effect prior to the expiration of ninety days after the day of the final adjournment of the legislature passing or enacting the same; and if prior to the expiration of such ninety days a referendum upon any such law, enactment, bill, resolution, order or ordinance, shall be in due form demanded, the same shall not take effect until such time as the same shall have been ratified and re-enacted by a majority vote of the electors voting thereon; provided, that the senate and assembly may, with the approval of the governor, and by a two-thirds vote of all the members elected to each house, provide that any such law, enactment, bill, resolution, order or ordinance relating to the immediate preservation of the public peace, health or safety shall take immediate effect.*

§ 6. *Unless otherwise expressly stated therein all laws, enactments, bills, resolutions, orders, ordinances, or amendments to this constitution enacted by the referendum shall take effect at twelve o'clock noon of the day following the day on which the certificate of the proper canvassing authorities showing the result of the official canvass of all the votes cast for and against the same shall have been filed with the secretary of state. Immediately upon the receipt of such canvassers' certificate it shall be the duty of the secretary of state to append to the original or originals of any such law, enactment, bill, resolution, order, ordinance or amendment to this constitution on file in his office, a statement setting forth the date of the referendum had thereon, the number of votes cast for and against the same, and the date of the filing in his office of the certificate of the canvassers of the votes thereon, to which he shall affix his seal, and such statement, or an abridgement thereof setting forth such facts shall be printed upon each copy of any such law, enactment, bill, resolution, order, ordinance or amendment to this constitution so voted upon at any such referendum, whether ratified or unratified, which may be thereafter issued from the office of the secretary of state or published under his authority.*

Provided, That no amendment to this constitution submitted upon a petition signed by the electors shall be deemed to have been carried, ratified, confirmed, and become a part of this constitution unless the same shall have been ratified by a majority vote of all the electors voting for and against the same at two successive elec-

Article XVI, § 12

tions; but in case of any such amendment one petition only shall be required, and the referendum shall be had thereon at the second election only in case a majority of the electors voting for and against such amendment shall have duly ratified the same at the first election.

§ 7. The enacting clause of all laws, enactments, bills, resolutions, orders, or ordinances enacted by the referendum shall be:

"The People of the State of New York by the Referendum do Enact as follows:" and the secretary of state shall, if necessary, after any such enactment by the referendum, amend the enacting clause thereof into such form.

§ 8. The approval or signature of the governor or any other person shall not be necessary upon any law, enactment, bill, resolution, order, ordinance or amendment to this constitution enacted by the referendum in order to render the same fully operative.

§ 9. It shall be the duty of the legislature at the next session after the adoption of this article to enact such law or laws as may be necessary to carry the same into effect; but if no such law should be enacted, or should any such enactment fail for any reason to become a law, then and in that event any fifty thousand of the duly qualified electors of the state competent to vote for members of the senate and assembly may exercise the initiative upon a law proposed by them in their petition for such purpose, under the provisions of the election law relative to the nomination of independent candidates for the office of governor, in so far as such election law may be applicable to the signing, making and filing of such petition, construed under the provisions of this article; but the required fifty thousand signatures of electors to such or any other referendum petition may be those of electors residing in a single county, or in more than one county, and any provision or enactment requiring otherwise shall be void.

§ 10. The legislature shall have no power to alter, modify, repeal or in any manner render nugatory in whole or in part, any law, enactment, bill, resolution, order, ordinance or other matter or measure enacted by the referendum.

§ 11. Subject to the provisions of this article the powers of the senate and assembly, and of the governor, shall remain as granted and defined by the other articles of this constitution.

§ 12. The qualified voters of any county, city, borough, village, township, school district or other municipality, or political subdi-

Article XVI, § 13

vision of the state having local laws, enactments, bills, resolutions, orders or ordinances for the government thereof, shall possess the same legislative powers within such body politic in matters relating thereto as are by the terms of this article vested in the electors of the state in state matters. Such legislative powers shall be exercised, subject only to the provisions of this constitution and the general laws, whenever any five per centum of the duly qualified voters of any such body politic shall file a petition demanding a referendum to the voters thereof of any laws, enactment, bill, resolution, order or ordinance thereof, with the clerk or secretary of such body politic, or if there be no clerk or secretary by such name, with the officer performing the functions of a clerk or recording officer therefor by whatsoever name he may be called. Such petition shall comply as near as may be with the provisions of this article, except as to matters of time, which shall be fixed by law, but no representative body or board of any such body politic shall be given power to enact legislation relating to matters other than immediate preservation of the public peace, health or safety which shall take effect prior to the expiration of thirty days after the passage thereof, and if within such thirty days, a petition demanding a referendum thereof shall be filed, the same shall not become operative until enacted by a majority of those voting for and against the same. No officer, or representative body, legislative or otherwise, of any such body politic, shall have power to alter, modify, repeal, or render nugatory in whole or in part, any law, enactment, bill, resolution, order or ordinance enacted by the referendum.

§ 13. *This article may be legally cited and referred to either by its number or as "The Referendum Article of the Constitution." The legal name and designation of proposals by petition hereunder shall be "The Initiative" and the legal name and designation of the submission of any matter hereunder to the electors shall be "The Referendum" and by such names and designations they may be legally referred to and cited.*

1903. A. No. 541 (Int. 490).

A. J. 230.

(For other proposed amendments providing for the initiative and referendum, see pp. 34, 271.)

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AMENDMENTS AFFECTING TWO OR MORE ARTICLES OR SECTIONS PROPOSED BUT NOT SUBMITTED TO THE PEOPLE

1. Initiative and referendum

Art. 3, § 1. The legislative power of this state shall be vested in the senate and assembly [.] , except as such power is reserved to the people as hereinafter provided. The people reserve to themselves power to propose laws and amendments to the constitution and to enact or reject the same at the polls independently of the legislature, and also reserve power at their own option to approve or reject at the polls any act, bill, resolution or resolve passed by the joint action of both branches of the legislature. No act or joint resolution of the legislature except such orders or resolutions as pertain solely to facilitating the performance of the business of the legislature, of either branch, or of any committee or officer thereof, or appropriate money therefor or for the payment of salaries fixed by law, shall take effect until ninety days after the recess of the legislature passing it, unless in case of emergency (which with the facts constituting the emergency shall first be declared by the governor and then shall be expressed in the preamble of the act), the legislature shall, by a vote of two-thirds of all the members elected to each house, otherwise direct. An emergency bill shall include only such measures as are immediately necessary for the preservation of the public peace, health or safety; and shall not include (1) an infringement of the right of home rule for municipalities, (2) a franchise or a license to a corporation or an individual to extend longer than one year, or (3) provisions for the sale or purchase or renting for more than five years of real estate. Upon a written petition of electors to a number not less than five per centum of the number of votes cast at the preceding election for governor, addressed to the governor and filed in the office of the secretary of state within ninety days after the recess of the legislature, requesting that one or more acts, bills, resolves or resolutions, or part or parts thereof, passed by the legislature, but not then in effect by reason of the provisions of the preceding section, be referred to the people, such acts, bills, resolves or resolutions or part or parts thereof as are specified in such petition shall not take effect until

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thirty days after the governor shall have announced by public proclamation that the same have been ratified by a majority of the electors voting thereon at a general or special election. As soon as it appears that the effect of any act, bill, resolve or resolution or part or parts thereof has been suspended by petition in manner aforesaid, the governor by public proclamation shall give notice thereof and of the time when such measure is to be voted on by the people, which shall be at the next general election not less than sixty days after such proclamation, or in case of no general election within six months thereafter the governor may, and if so requested in said written petition therefor, shall order such measure submitted to the people at a special election not less than four nor more than six months after his proclamation thereof.

Art. 3, § 1-a. (Proposal to add the following new section:)
The electors may propose to the legislature for its consideration any bill, resolve or resolution, including bills to amend or repeal emergency legislation, and amendments to the constitution, by written petition addressed to the legislature or to either branch thereof and filed in the office of the secretary of state or presented to either branch of the legislature at least thirty days before the close of its session. Any measure thus proposed by a petition signed by electors to a number not less than five per centum of the number of votes cast at the previous election for governor, unless enacted without change by the legislature at the session at which it is presented, shall be submitted to the electors together with any amended form, substitute or recommendation of the legislature, and in such manner that the people can choose between the competing measures or reject both. When there are competing bills and neither receives a majority of the votes given for or against both, the one receiving the most votes shall, at the next general election, to be held not less than sixty days after the first vote thereof, be submitted by itself if it receives more than one-third of the votes given for and against both. If the measure initiated is enacted by the legislature without change, it shall not go to a referendum vote unless in pursuance of a demand made in accordance with the preceding section. The legislature may order a special election on any measure that is subject to a vote of the people. The governor may, and if so requested in the written petitions addressed to the legislature, shall by proclamation, order any measure proposed to the legislature by at least five

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per centum of the electors as herein provided, and not enacted by the legislature without change, referred to the people at a special election to be held not less than four nor more than six months after such proclamation, otherwise said measure shall be voted upon at the next general election held not less than sixty days after the recess of the legislature, to which such measure was proposed. Any measure referred to the people and approved by a majority of the votes given thereon shall, unless a later date be specified in said measure, take effect and become a law thirty days after the governor has made public proclamation of the result of the vote on said measure, which he shall do within ten days after the vote thereon has been canvassed and determined. The veto power of the governor shall not extend to any measure approved by vote of the people, and any measure initiated by the people and passed by the legislature without change, if vetoed by the governor, and if his veto is sustained by the legislature, shall be referred to the people to be voted on at the next general election. The legislature may enact measures expressly conditioned upon the people's ratification by a referendum vote. As used in either of the preceding paragraphs the words "electors" and "people" mean the electors of the state qualified to vote for governor; "recess of the legislature" means the adjournment without day of a session of the legislature; "general election" means the November election; "measure" means an act, bill, resolve, resolution or amendment to the constitution proposed by the people, or two or more such, or part or parts of such, as the case may be; "written petition" means one or more petitions written or printed, or partly written and partly printed, with the original signatures of the petitioners attached, verified as to the authenticity of the signatures by the oath of one of the petitioners certified thereon, and accompanied by the certificate of the clerk of the board of elections, or of the city, town or county in which the petitioners reside, that their names appear on the voting list of his city, town or county as qualified to vote for governor. The petitions shall set forth the full text of the measure requested or proposed. The full text of a measure submitted to a vote of the people under the provisions of the constitution need not be printed on the official ballots, but, until otherwise provided by the legislature, the secretary of state shall prepare the ballots in such form as to present the question or questions concisely and intelligibly.

Art. 3, § 1-b. (Proposal to add the following new section:) *Any city may establish the initiative and referendum by a written petition signed by electors thereof to a number not less than five per centum of the votes cast at the previous election for mayor, addressed to the mayor and filed in the office of the city clerk, and ratified by a majority of the electors voting thereon at the next municipal election which shall be at least thirty days after such filing. Provided, however, that the legislature may at any time provide a uniform method for the exercise of the initiative and referendum in municipal affairs.*

Art. 3, § 1-c. (Proposal to add the following new section:) *Until the legislature shall enact further regulations not inconsistent with the constitution for applying the people's veto and direct initiative, the election officers and other officials shall be governed by the provisions of this constitution and of the general law, supplemented by such reasonable action as may be necessary to render the preceding sections self-executing.*

Art. 3, § 14. The enacting clause of [all] bills originating in either house, shall be "The People of the State of New York, represented in Senate and Assembly, do enact as follows[.]" [and no law shall be enacted except by bill.] *The enacting clause of bills originating in the people shall be, "Be it enacted by the people of the State of New York."*

Art. 4, § 9. Every bill which shall have passed the senate and assembly shall, before it becomes a law, be presented to the governor; if he approve, he shall sign it; but if not, he shall return it with his objections to the house in which it shall have originated, which shall enter the objections at large on the journal, and proceed to reconsider it. If after such reconsideration, two-thirds of the members elected to that house shall agree to pass the bill, it shall be sent, together with the objections to the other house, by which it shall likewise be reconsidered and if approved by two-thirds of the members elected to [that] the house, it shall become a law notwithstanding the objections of the governor. In all such cases the votes in both houses shall be determined by yeas and nays, and the names of the members voting shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature shall,

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by their adjournment, prevent its return, in which case it shall not become a law without the approval of the governor. No bill shall become a law after the final adjournment of the legislature, unless approved by the governor within thirty days after such adjournment. If any bill presented to the governor contain several items of appropriation of money, he may object to one or more of such items while approving of the other portion of the bill. In such case, he shall append to the bill, at the time of signing it, a statement of the items to which he objects; and the appropriation so objected to shall not take effect. If the legislature be in session, he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If on reconsideration one or more of such items be approved by two-thirds of the members elected to each house, the same shall be part of the law, notwithstanding the objections of the governor. All the provisions of this section, in relation to bills not approved by the governor, shall apply in cases in which he shall withhold his approval from any item or items contained in a bill appropriating money. *Provided, however, that the provisions of this section are subject to the reserved power of the people to approve or reject at the polls any act, bill, resolution or resolve, as set forth in article third.*

Art. 7, § 4. Except the debts specified in sections two and three of this article, no debts shall be hereafter contracted by or in behalf of this state, unless such debt shall be authorized by [a] law, for some single work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax to pay, and sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within fifty years from the time of the contracting thereof. No such law shall take effect until it shall at a general election have been submitted to the people, and have received a majority of all the votes cast for and against it at such election. On the final passage of such bill in either house of the legislature, the question shall be taken by ayes and noes, to be [duly] fully entered on the journals thereof and shall be: "Shall this bill pass, and ought the same to receive the sanction of the people?" The legislature may at any time, after the approval of such a law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same; and may at any time, by law, forbid the

contracting of any further debt or liability under such law; but the tax imposed by such act, in proportion to the debt and liability which may have been contracted, in pursuance of such law, shall remain in force and be irrepealable, and be annually collected, until the proceeds thereof shall have *been* made the provisions hereinbefore specified to pay and discharge the interest and principal of such debt and liability. The money arising from any loan or stock creating such debt or liability shall be applied to the work or object specified in the act authorizing such debt or liability or for the payment of such debt or liability, and for no other purpose whatever. [No such law shall be submitted to be voted on, within three months after its passage or at any general election when any other law, or any bill shall be submitted to be voted for or against.] The legislature may provide for the issue of bonds of the state to run for a period not exceeding fifty years in lieu of bonds heretofore authorized but not issued and shall impose and provide for the collection of a direct annual tax for the payment of the same as hereinbefore required. When any sinking fund created under this section shall equal in amount the debt for which it was created, no further direct tax shall be levied on account of said sinking fund and the legislature shall reduce the tax to an amount equal to the accruing interest on such debt.

Art. 12, § 2. All cities are classified according to the latest state enumeration, as from time to time made, as follows: The first class includes all cities having a population of [one] two hundred and [seventy-five] fifty thousand, or more; the second class, all cities having a population of fifty thousand and less than [one] two hundred and [seventy-five] fifty thousand; the third class, all other cities. Laws relating to the property, affairs [of] or government of cities and the several departments thereof, are divided into general and special city laws; general city laws are those which relate to all the cities of one or more classes; special city laws are those which relate to a single city, or to less than all the cities of a class. Special city laws shall not be passed except in conformity with the provisions of this section. After any bill for a special city law, relating to a city, has been passed by both branches of the legislature, the house in which it originated shall immediately transmit a certified copy thereof to the mayor of such city, and within fifteen days thereafter the mayor shall return such bill to the house from which it was sent, or if the session of

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the legislature at which such bill was passed has terminated, to the governor, with the mayor's certificate thereon, stating whether the city has or has not accepted the same. In every city of the first class, the mayor, and in every other city, the mayor and the legislative body thereof concurrently, shall act for such city as to such bill; but the legislature may provide for the concurrence of the legislative body in the cities of the first class. The legislature shall provide for a public notice and opportunity for a public hearing concerning any such bill in every city to which it relates, before action [thereon] thereof. Such a bill, if it relates to more than one city, shall be transmitted to the mayor of each city to which it relates, and shall not be deemed accepted unless accepted as herein provided, by every such city. Whenever any such bill is accepted as herein provided, it shall be subject as are other bills, to the action of the governor. Whenever, during the session at which it was passed, any such bill is returned without the acceptance of the city or cities to which it relates, or within such fifteen days is not returned, it may nevertheless again be passed by both branches of the legislature, and it shall then be subject as are other bills, to the action of the governor. In every special city law which has been accepted by the city or cities to which it relates, the title shall be followed by the words "accepted by the city" or "cities" as the case may be; in every such law which is passed without such acceptance, by the words "passed without the acceptance of the city" or "cities" as the case may be. *Provided, however, that the provisions of this section are subject to the reserved power of the people residing in the city or cities affected by such act, bill, resolution or resolve to approve or reject the same at the polls, or to propose new laws, as set forth in article third.*

Art. 14, § 1. Any amendment or amendments to this constitution may be proposed in the senate and assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, and the yeas and nays taken thereon, and referred to the legislature to be chosen at the next general election of senators, and shall be published for three months previous to the time of making such choice, and if in the legislature so next chosen, as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the

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legislature to submit [each] *such* proposed amendment or amendments to the people for approval in such manner and at such times as the legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors voting thereon, such amendment or amendments shall become a part of the constitution from and after the first day of January next after such approval. *Provided, however, that the provisions of this section are subject to the reserved power of the people to propose amendments to the constitution and to approve or reject the same at the polls independently of the legislature, as set forth in article third.*

1908. S. No. 522 (Int. 457). (Same as A. No. 1043.)

S. J. 225.

A. No. 1043 (Int. 872). (Same as S. No. 522.)

A. J. 502.

1911. A. No. 1384 (Int. 1174).

A. J. 985.

1912. S. No. 12 (Int. 12). (Same as A. No. 328.)

S. J. 8.

A. No. 328 (Int. 326). (Same as S. No. 12.)

(In 1914 an amendment was proposed in every respect identical with the last preceding amendment except that it did not propose to amend Art. 12, § 2, in regard to the population of cities of the first and second class.)

1914. A. No. 736 (Int. 708).

A. J. 309.

Art. 3, § 1. The legislative power of this state shall be vested in the senate and assembly[.], *except as such power is reserved to the people as hereinafter provided. The people reserve to themselves power to propose laws and amendments to the constitution and to enact or reject the same at the polls independently of the legislature, and also reserve power at their own option to approve or reject at the polls any act, bill, resolution or resolve passed by the joint action of both branches of the legislature. No act or joint resolution of the legislature except such orders or resolutions as pertain solely to facilitating the performance of the business of the legislature, of either branch, or of any committee or officer thereof, or appropriate money therefor or for the payment of salaries fixed by law, shall take effect until ninety days after the final adjournment of the legislature passing it, unless in case of emergency (which with the facts constituting the emergency shall first be declared by the governor and then shall be expressed in the preamble of the act), the legislature shall, by a vote of two-thirds of all the members elected to each house, otherwise direct. An emergency bill shall include only such measures as are*

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immediately necessary for the preservation of the public peace, health or safety; and shall not include (1) an infringement of the right of home rule for municipalities, (2) a franchise or a license to a corporation or an individual to extend longer than one year, or (3) provisions for the sale or purchase or renting for more than five years of real estate.

The power to propose laws and amendments to the constitution shall be called the initiative. Upon the presentation to the secretary of state of a petition certified as herein provided to have been signed by qualified electors, equal in number to five per centum of all the votes cast for all candidates for governor at the last preceding general election at which a governor was elected proposing a law or amendment to the constitution set forth in full in said petition, the secretary of state shall submit the said proposed law or amendment to the constitution to the electors at the next succeeding general election occurring subsequent to ninety days after the presentation aforesaid of said petition or at any special election called by the governor in his discretion prior to such general election. All such initiative petitions shall have printed across the top thereof in twelve-point, black face type the following: "Initiative measure to be submitted directly to the electors."

The power to approve or reject legislation shall be called referendum. Upon presentation to the secretary of state within ninety days after the final adjournment of the legislature of a petition certified as herein provided to have been signed by qualified electors equal in number to five per centum of all the votes cast for all candidates for governor at the last preceding general election at which a governor was elected asking that any act or section or part of any act of the legislature be submitted to the electors for their approval or rejection, the secretary of state shall submit to the electors for their approval or rejection such act or section or part of such act at the next succeeding general election occurring at any time subsequent to thirty days after the filing of said petition or at any special election which may be called by the governor in his discretion prior to such regular election, and no such act or section or part of such act shall go into effect until and unless approved by a majority of the qualified electors voting thereon; but if a referendum petition is filed against any section or part of an act the remainder of such act shall not be prevented from going into effect.

Any act, law or amendment to the constitution submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect five days after the date of the official declaration of the vote by the secretary of state. No act, law or amendment to the constitution initiated or adopted by the people shall be subject to the veto power of the governor and no act, law or amendment to the constitution adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed except by a vote of the electors unless otherwise provided in said initiative measure; but acts and laws adopted by the people under the referendum provisions of this section may be amended by the legislature at any subsequent session thereof. If any provision or provisions of two or more measures approved by the electors at the same election conflict the provision or provisions of the measure receiving the highest affirmative vote shall prevail.

If for any reason any initiative or referendum measure proposed by petition as herein provided be not submitted at the election specified in this section, such failure shall not prevent its submission at a succeeding general election and no law or amendment to the constitution proposed by the legislature shall be submitted at any election unless at the same election there shall be submitted all measures proposed by petition of the electors if any be so proposed as herein provided.

Any initiative or referendum petition may be presented in sections, but each section shall contain a full and correct copy of the title and text of the proposed measure. Each signer shall add to his signature his place of residence, giving the street and number if such exist. His election precinct shall also appear on the paper after his name. The number of signatures attached to each section shall be at the pleasure of the person soliciting signatures to the same. Any resident of the state shall be competent to solicit said signatures. Each section of the petition shall bear the name of the county or city and county in which it is circulated and only qualified electors of such county or city and county shall be competent to sign such section. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating that all the signatures to the attached section were made in his presence and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be and no other affidavit thereto shall

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be required. The affidavit of any person soliciting signatures hereunder shall be verified free of charge by any officer authorized to administer oaths. Such petitions so verified shall be *prima facie* evidence that the signatures thereon are genuine and that the persons signing the same are qualified electors. Unless and until it be otherwise proven upon official investigation it shall be presumed that the petition presented contains the signatures of the requisite number of qualified electors.

This section shall not be construed to deprive any member of the legislature of the right to introduce any measure.

The secretary of state shall refer all petitions filed with him for the initiative or referendum to the people in accordance with the provisions of the election law providing for the submission of amendments to the constitution.

The initiative and referendum powers reserved to the people by this constitution are hereby further reserved to the legal voters of every municipality and district as to all local, special or municipal legislation of every character in or for their respective municipalities or districts.

This power shall be exercised by a petition signed by legal voters of the municipality or district on the basis of the total vote cast for governor in such municipality or district in the election next preceding the filing of the petition. Not more than five per centum of the legal voters of the district or municipality shall be required to sign the referendum petition nor more than ten per centum to propose any measure by the initiative in any city or town. Such petition shall be filed with the clerk of the county in which such municipality or district may be located. The county clerk upon the filing with him of a petition with a sufficient number of signatures shall certify the same to the secretary of state, who shall thereupon order the election in conformity with the provisions of section one of article three of the constitution.

Until the legislature shall enact further regulations not inconsistent with the constitution for applying the people's veto and direct initiative, the election officers and other officials shall be governed by the provisions of this constitution and of the general law, supplemented by such reasonable action as may be necessary to render the preceding sections self-executing.

Art. 3, § 14. The enacting clause of [all] bills originating in either house, shall be "The People of the State of New York, represented in Senate and Assembly, do enact as follows[.]"

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[and no law shall be enacted except by bill.] *The enacting clause of bills originating in the people shall be, "Be it enacted by the People of the State of New York."*

Art. 4, § 9. Every bill which shall have passed the senate and assembly shall, before it becomes a law, be presented to the governor; if he approve, he shall sign it; but if not, he shall return it with his objections to the house in which it shall have originated, which shall enter the objections at large on the journal, and proceed to reconsider it. If after such reconsideration, two-thirds of the members elected to that house shall agree to pass the bill, it shall be sent, together with the objections to the other house, by which it shall likewise be reconsidered and if approved by two-thirds of the members elected to **[that]** the house, it shall become a law notwithstanding the objections of the governor. In all such cases the votes in both houses shall be determined by yeas and nays, and the names of the members voting shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature shall, by their adjournment, prevent its return, in which case it shall not become a law without the approval of the governor. No bill shall become a law after the final adjournment of the legislature, unless approved by the governor within thirty days after such adjournment. If any bill presented to the governor contain several items of appropriation of money, he may object to one or more of such items while approving of the other portion of the bill. In such case, he shall append to the bill, at the time of signing it, a statement of the items to which he objects; and the appropriation so objected to shall not take effect. If the legislature be in session, he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If on reconsideration one or more of such items be approved by two-thirds of the members elected to each house, the same shall be part of the law, notwithstanding the objections of the governor. All the provisions of this section, in relation to bills not approved by the governor, shall apply in cases in which he shall withhold his approval from any item or items contained in a bill appropriating money. *Provided, however, that the provisions of this section are subject to the reserved power of the people to ap-*

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prove or reject at the polls any act, bill, resolution or resolve, as set forth in article third.

Art. 7, § 4. Except the debts specified in sections two and three of this article, no debts shall be hereafter contracted by or in behalf of this state, unless such debt shall be authorized by a law, for some single work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax to pay, and sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within fifty years from the time of the contracting thereof. No such law shall take effect until it shall at a general election have been submitted to the people, and have received a majority of all the votes cast for and against it at such election. On the final passage of such bill in either house of the legislature, the question shall be taken by ayes and noes, to be **[duly]** *fully* entered on the journals thereof and shall be: "Shall this bill pass, and ought the same to receive the sanction of the people?" The legislature may at any time, after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same; and may at any time, by law, forbid the contracting of any further debt or liability under such law; but the tax imposed by such act, in proportion to the debt and liability which may have been contracted, in pursuance of such law, shall remain in force and be irrepealable, and be annually collected, until the proceeds thereof shall have been made the provisions hereinbefore specified to pay and discharge the interest and principal of such debt and liability. The money arising from any loan or stock creating such debt or liability shall be applied to the work or object specified in the act authorizing such debt or liability or for the payment of such debt or liability, and for no other purpose whatever. **[No such law shall be submitted to be voted on, within three months after its passage or at any general election when any other law, or any bill shall be submitted to be voted for or against.]** The legislature may provide for the issue of bonds of the state to run for a period not exceeding fifty years in lieu of bonds heretofore authorized, but not issued, and shall impose and provide for the collection of a direct annual tax for the payment of the same as hereinbefore required. When any sinking fund created under this section shall equal in amount the debt for which it was created, no further direct tax shall be

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levied on account of said sinking fund and the legislature shall reduce the tax to an amount equal to the accruing interest on such debt.

Art. 12, § 2. All cities are classified according to the latest state enumeration, as from time to time made, as follows: The first class includes all cities having a population of **[one]** *two* hundred and **[seventy-five]** *fifty* thousand, or more; the second class, all cities having a population of fifty thousand and less than **[one]** *two* hundred and **[seventy-five]** *fifty* thousand; the third class, all other cities. Laws relating to the property, affairs, **[of]** *or* government of cities and the several departments thereof, are divided into general and special city laws; general city laws are those which relate to all the cities of one or more classes; special city laws are those which relate to a single city, or to less than all the cities of a class. Special city laws shall not be passed except in conformity with the provisions of this section. After any bill for a special city law, relating to a city, has been passed by both branches of the legislature, the house in which it originated shall immediately transmit a certified copy thereof to the mayor of such city, and within fifteen days thereafter the mayor shall return such bill to the house from which it was sent, or if the session of the legislature at which such bill was passed has terminated, to the governor, with the mayor's certificate thereon, stating whether the city has or has not accepted the same. In every city of the first class, the mayor, and in every other city, the mayor and the legislative body thereof concurrently, shall act for such city as to such bill; but the legislature may provide for the concurrence of the legislative body in *the* cities of the first class. The legislature shall provide for a public notice and opportunity for a public hearing concerning any such bill in every city to which it relates, before action thereon. Such a bill, if it relates to more than one city, shall be transmitted to the mayor of each city to which it relates, and shall not be deemed accepted unless accepted as herein provided, by every such city. Whenever any such bill is accepted as herein provided, it shall be subject as are other bills, to the action of the governor. Whenever, during the session at which it was passed, any such bill is returned without the acceptance of the city or cities to which it relates, or within such fifteen days is not returned, it may nevertheless again be passed by both branches of the legislature, and it shall then be subject as are other

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bills, to the action of the governor. In every special city law which has been accepted by the city or cities to which it relates, the title shall be followed by the words "accepted by the city" or "cities" as the case may be; in every such law which is passed without such acceptance, by the words "passed without the acceptance of the city" or "cities" as the case may be. *Provided, however, that the provisions of this section are subject to the reserved power of the people residing in the city or cities affected by such act, bill, resolution or resolve to approve or reject the same at the polls, or to propose new laws, as set forth in article third.*

Art. 14, § 1. Any amendment or amendments to this constitution may be proposed in the senate and assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, and the yeas and nays taken thereon, and referred to the legislature to be chosen at the next general election of senators, and shall be published for three months previous to the time of making such choice, and if in the legislature so next chosen, as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislature to submit [each] such proposed amendment or amendments to the people for approval in such manner and at such times as the legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors voting thereon, such amendment or amendments shall become a part of the constitution from and after the first day of January next after such approval. *Provided, however, that the provisions of this section are subject to the reserved power of the people to propose amendments to the constitution and to approve or reject the same at the polls independently of the legislature, as set forth in article third.*

1912. A. No. 1065 (Int. 952).
A. J. 458.

Art. 3, § 1. The legislative power of this state shall be vested in the senate and assembly[.], *except as such power is reserved to the people as hereinafter provided. The people reserve to themselves power to propose laws and amendments to the constitution and to enact or reject the same at the polls independently of the legislature, and also reserve power at their own option to*

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approve or reject at the polls any act, bill, resolution or resolve passed by the joint action of both branches of the legislature. No act or joint resolution of the legislature except such orders or resolutions as pertain solely to facilitating the performance of the business of the legislature, of either branch, or of any committee or officer thereof, or appropriate money therefor or for the payment of salaries fixed by law, shall take effect until ninety days after the final adjournment of the legislature passing it, unless in case of emergency (which with the facts constituting the emergency shall first be declared by the governor and then shall be expressed in the preamble of the act), the legislature shall, by a vote of two-thirds of all the members elected to each house, otherwise direct. An emergency bill shall include only such measures as are immediately necessary for the preservation of the public peace, health or safety; and shall not include (1) an infringement of the right of home rule for municipalities, (2) a franchise or a license to a corporation or an individual to extend longer than one year, or (3) provisions for the sale or purchase or renting for more than five years of real estate.

The power to propose laws and amendments to the constitution shall be called the initiative. Upon the presentation to the secretary of state of a petition certified as herein provided to have been signed by qualified electors, equal in number to five per centum of all the votes cast for all candidates for governor at the last preceding general election at which a governor was elected proposing a law or amendment to the constitution set forth in full in said petition, the secretary of state shall submit the said proposed law or amendment to the constitution to the electors at the next succeeding general election occurring subsequent to ninety days after the presentation aforesaid of said petition or at any special election called by the governor in his discretion prior to such general election. All such initiative petitions shall have printed across the top thereof in twelve-point, black face type the following: "Initiative measure to be submitted directly to the electors."

The power to approve or reject legislation shall be called referendum. Upon presentation to the secretary of state within ninety days after the final adjournment of the legislature of a petition certified as herein provided to have been signed by qualified electors equal in number to five per centum of all the votes cast for all candidates for governor at the last preceding general

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election at which a governor was elected asking that any act or section or part of any act of the legislature be submitted to the electors for their approval or rejection, the secretary of state shall submit to the electors for their approval or rejection such act or section or part of such act at the next succeeding general election occurring at any time subsequent to thirty days after the filing of said petition or at any special election which may be called by the governor in his discretion prior to such regular election, and no such act or section or part of such act shall go into effect until and unless approved by a majority of the qualified electors voting thereon; but if a referendum petition is filed against any section or part of an act the remainder of such act shall not be prevented from going into effect.

Any act, law or amendment to the constitution submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect five days after the date of the official declaration of the vote by the secretary of state. No act, law or amendment to the constitution initiated or adopted by the people shall be subject to the veto power of the governor and no act, law or amendment to the constitution adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed except by a vote of the electors unless otherwise provided in said initiative measure; but acts and laws adopted by the people under the referendum provisions of this section may be amended by the legislature at any subsequent session thereof. If any provision or provisions of two or more measures approved by the electors at the same election conflict the provision or provisions of the measure receiving the highest affirmative vote shall prevail.

If for any reason any initiative or referendum measure proposed by petition as herein provided be not submitted at the election specified in this section, such failure shall not prevent its submission at a succeeding general election and no law or amendment to the constitution proposed by the legislature shall be submitted at any election unless at the same election there shall be submitted all measures proposed by petition of the electors if any be so proposed as herein provided.

Any initiative or referendum petition may be presented in sections, but each section shall contain a full and correct copy of the title and text of the proposed measure. Each signer shall add to

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his signature his place of residence, giving the street and number if such exist. His election precinct shall also appear on the paper after his name. The number of signatures attached to each section shall be at the pleasure of the person soliciting signatures to the same. Any resident of the state shall be competent to solicit said signatures. Each section of the petition shall bear the name of the county or city and county in which it is circulated and only qualified electors of such county or city and county shall be competent to sign such section. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating that all the signatures to the attached section were made in his presence and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be and no other affidavit thereto shall be required. The affidavit of any person soliciting signatures hereunder shall be verified free of charge by any officer authorized to administer oaths. Such petitions so verified shall be prima facie evidence that the signatures thereon are genuine and that the persons signing the same are qualified electors. Unless and until it be otherwise proven upon official investigation it shall be presumed that the petition presented contains the signatures of the requisite number of qualified electors.

This section shall not be construed to deprive any member of the legislature of the right to introduce any measure.

The secretary of state shall refer all petitions filed with him for the initiative or referendum to the people in accordance with the provisions of the election law providing for the submission of amendments to the constitution.

The initiative and referendum powers reserved to the people by this constitution are hereby further reserved to the legal voters of every municipality and district as to all local, special or municipal legislation of every character in or for their respective municipalities or districts.

This power shall be exercised by a petition signed by legal voters of the municipality or district on the basis of the total vote cast for governor in such municipality or district in the election next preceding the filing of the petition. Not more than five per centum of the legal voters of the district or municipality shall be required to sign the referendum petition nor more than ten per centum to propose any measure by the initiative in any city or

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town. Such petition shall be filed with the clerk of the county in which such municipality or district may be located. The county clerk upon the filing with him of a petition with a sufficient number of signatures shall certify the same to the secretary of state, who shall thereupon order the election in conformity with the provisions of section one of article three of the constitution.

Until the legislature shall enact further regulations not inconsistent with the constitution for applying the people's veto and direct initiative, the election officers and other officials shall be governed by the provisions of this constitution and of the general law, supplemented by such reasonable action as may be necessary to render the preceding sections self-executing.

Art. 3, § 14. The enacting clause of [all] bills originating in either house, shall be "The People of the State of New York, represented in Senate and Assembly, do enact as follows:" [and no law shall be enacted except by bill.] *The enacting clause of bills originating in the people shall be, "Be it enacted by the People of the State of New York."*

Art. 4, § 9. Every bill which shall have passed the senate and assembly shall, before it becomes a law be presented to the governor; if he approve, he shall sign it; but if not, he shall return it with his objections to the house in which it shall have originated, which shall enter the objections at large on the journal, and proceed to reconsider it. If after such reconsideration, two-thirds of the members elected to that house shall agree to pass the bill, it shall be sent, together with the objections to the other house, by which it shall likewise be reconsidered and if approved by two-thirds of the members elected to [that] the house, it shall become a law notwithstanding the objections of the governor. In all such cases the votes in both houses shall be determined by yeas and nays, and the names of the members voting shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature shall, by their adjournment, prevent its return, in which case it shall not become a law without the approval of the governor. No bill shall become a law after the final adjournment of the legislature, unless approved by the governor within thirty days after such adjournment. If any bill presented to the governor contain several items

of appropriation of money he may object to one or more of such items while approving of the other portion of the bill. In such case, he shall append to the bill, at the time of signing it, a statement of the items to which he objects; and the appropriation so objected to shall not take effect. If the legislature be in session, he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If on reconsideration one or more of such items be approved by two-thirds of the members elected to each house, the same shall be part of the law, notwithstanding the objections of the governor. All the provisions of this section, in relation to bills not approved by the governor, shall apply in cases in which he shall withhold his approval from any item or items contained in a bill appropriating money. *Provided, however, that the provisions of this section are subject to the reserved power of the people to approve or reject at the polls any act, bill, resolution or resolve, as set forth in article third.*

Art. 7, § 4. Except the debts specified in sections two and three of this article, no debts shall be hereafter contracted by or in behalf of this state, unless such debt shall be authorized by a law, for some single work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax to pay, and sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within fifty years from the time of the contracting thereof. No such law shall take effect until it shall at a general election have been submitted to the people, and have received a majority of all the votes cast for and against it at such election. On the final passage of such bill in either house of the legislature, the question shall be taken by ayes and nees, to be **[duly]** *fully* entered on the journals thereof and shall be: "Shall this bill pass, and ought the same to receive the sanction of the people?" The legislature may at any time, after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same; and may at any time, by law, forbid the contracting of any further debt or liability under such law; but the tax imposed by such act, in proportion to the debt and liability which may have been contracted, in pursuance of such law, shall remain in force and be irrepealable, and be annually collected, until the proceeds thereof shall have *been* made the provisions hereinbefore

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specified to pay and discharge the interest and principal of such debt and liability. The money arising from any loan or stock creating such debt or liability shall be applied to the work or object specified in the act authorizing such debt or liability or for the payment of such debt or liability, and for no other purpose whatever. [No such law shall be submitted to be voted on, within three months after its passage or at any general election when any other law, or any bill shall be submitted to be voted for or against.] The legislature may provide for the issue of bonds of the state to run for a period not exceeding fifty years in lieu of bonds heretofore authorized, but not issued, and shall impose and provide for the collection of a direct annual tax for the payment of the same as hereinbefore required. When any sinking fund created under this section shall equal in amount the debt for which it was created, no further direct tax shall be levied on account of said sinking fund and the legislature shall reduce the tax to an amount equal to the accruing interest on such debt. The legislature may from time to time alter the rate of interest to be paid upon any state debt, which has been or may be authorized pursuant to the provisions of this section, or upon any part of such debt, provided, however, that the rate of interest shall not be altered upon any part of such debt or upon any bond or other evidence thereof, which has been, or shall be created or issued before such alteration. In case the legislature increase the rate of interest upon any such debt, or part thereof, it shall impose and provide for the collection of a direct annual tax to pay and sufficient to pay the increased or altered interest on such debt as it falls due and also to pay and discharge the principal of such debt within fifty years from the time of the contracting thereof, and shall appropriate annually to the sinking fund moneys in amount sufficient to pay such interest and pay and discharge the principal of such debt when it shall become due and payable.

Art. 12, § 2. All cities are classified according to the latest state enumeration, as from time to time made, as follows: The first class includes all cities having a population of [one] two hundred and [seventy-five] fifty thousand or more; the second class, all cities having a population of fifty thousand and less than [one] two hundred and [seventy-five] fifty thousand; the third class, all other cities. Laws relating to the property, affairs [of] or government of cities and the several departments thereof, are

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divided into general and special city laws; general city laws are those which relate to all the cities of one or more classes; special city laws are those which relate to a single city, or to less than all the cities of a class. Special city laws shall not be passed except in conformity with the provisions of this section. After any bill for a special city law, relating to a city, has been passed by both branches of the legislature, the house in which it originated shall immediately transmit a certified copy thereof to the mayor of such city, and within fifteen days thereafter the mayor shall return such bill to the house from which it was sent, or if the session of the legislature at which such bill was passed has terminated, to the governor, with the mayor's certificate thereon, stating whether the city has or has not accepted the same. In every city of the first class, the mayor, and in every other city, the mayor and the legislative body thereof concurrently, shall act for such city as to such bill; but the legislature may provide for the concurrence of the legislative body in *the* cities of the first class. The legislature shall provide for a public notice and opportunity for a public hearing concerning any such bill in every city to which it relates, before action thereon. Such a bill, if it relates to more than one city, shall be transmitted to the mayor of each city to which it relates, and shall not be deemed accepted unless accepted as herein provided, by every such city. Whenever any such bill is accepted as herein provided, it shall be subject as are other bills, to the action of the governor. Whenever, during the session at which it was passed, any such bill is returned without the acceptance of the city or cities to which it relates, or within such fifteen days is not returned, it may nevertheless again be passed by both branches of the legislature, and it shall then be subject as are other bills, to the action of the governor. In every special city law which has been accepted by the city or cities to which it relates, the title shall be followed by the words "accepted by the city" or "cities" as the case may be; in every such law which is passed without such acceptance, by the words "passed without the acceptance of the city" or "cities" as the case may be. *Provided, however, that the provisions of this section are subject to the reserved power of the people residing in the city or cities affected by such act, bill, resolution or resolve to approve or reject the same at the polls, or to propose new laws, as set forth in article third.*

Art. 14, § 1. Any amendment or amendments to this constitution may be proposed in the senate and assembly; and if the same

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shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, and the yeas and nays taken thereon, and referred to the legislature to be chosen at the next general election of senators, and shall be published for three months previous to the time of making such choice, and if in the legislature so next chosen, as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislature to submit [each] *such* proposed amendment or amendments to the people for approval in such manner and at such times as the legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors voting thereon, such amendment or amendments shall become a part of the constitution from and after the first day of January next after such approval. *Provided, however, that the provisions of this section are subject to the reserved power of the people to propose amendments to the constitution and to approve or reject the same at the polls independently of the legislature, as set forth in article third.*

1913. S. No. 83 (Int. 82). (Same as A. No. 1606.)

S. J. 33.

A. No. 1606 (Int. 1449). (Same as S. No. 83.)

A. J. 775.

(For other proposed amendments providing for the initiative and the referendum, see pp. 34, 262.)

2. Initiative, referendum and recall

Art. 1, § 16. Such parts of the common law, and of the acts of the legislature of the colony of New York as, together did form the common law of the said colony, on the nineteenth day of April, one thousand seven hundred and seventy-five, and the resolutions of the congress of the said colony, and of the convention of the state of New York, in force on the twentieth day of April, one thousand seven hundred and seventy-seven, which have not since expired, or been repealed or altered; and such acts of the legislature of this state as are now in force, shall be and continue the law of this state, subject to such alterations as *the people, by direct vote, or* the legislature shall make concerning the same. But all such parts of the common law, and such of the said acts, or parts thereof, as are repugnant to this constitution, are hereby abrogated.

Art. 3, § 1. [The legislative power of this state shall be vested in the senate and assembly.] *The people reserve to themselves the legislative power of the state to be exercised by the direct vote of those of them upon whom the right of suffrage is hereby conferred; and, except as so exercised by them, such power is vested in a senate and assembly; but the delegation herein, either in general or specific terms, of any power or authority to the legislature or to either branch thereof, to be exercised by it, either with or without the approval of the governor, may, at any time and independently of it, be exercised by the people by direct vote. The people may initiate a bill or a resolution upon any subject for their approval or rejection by direct vote; and every act, bill or resolution enacted or adopted by the legislature, either with or without the approval of the governor, except as is herein otherwise expressly provided, shall be, at their option, subject to a reference to them for their approval or rejection by direct vote.*

Art. 3, § 1-a. (Proposal to add the following new section:)
A bill or a resolution may be initiated by the people by the filing in the office of the secretary of state of a petition addressed to him, signed by duly qualified electors to the number of at least five per centum of the total vote cast for the office of governor at the last preceding general election and requesting that the bill or resolution, which shall be annexed to and filed with such petition, be submitted to the people for their approval or rejection. Such petition may be executed in sections; and, if executed in sections, the several sections thereof shall be regarded as one petition. Each elector who may sign such petition shall do so personally and shall, with his own hand, write opposite his signature his place of residence, which, if in a city or a village, shall be stated, so far as practicable, by street and number, and shall acknowledge his signature before an officer authorized to take the acknowledgments of signatures to deeds of real property to be recorded within the state; and the certificate of acknowledgment of such officer, which shall be to the effect that each signer as to whose acknowledgment he may certify personally appeared before him on a day to be therein stated, that he is known to him, that he knows him to be the person described in and who executed such petition, that his place of residence is correctly stated therein and that he knows him to be a duly qualified elector, shall be annexed to and filed with such petition. The bill or resolution proposed

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by such petition shall be submitted to the people for their approval or rejection, by direct vote, at the next general election occurring not less than sixty days after the filing of such petition; and the several officers charged with the duty of providing for and conducting elections shall, at public expense, provide for the submission of the same accordingly. Within ten days after the filing of such petition in his office the secretary of state shall, at public expense, cause to be printed and delivered to the clerk of each county in the state copies of the bill or resolution thereby proposed to the number of at least one hundred for every election district in the county and of one hundred in addition thereto; and each such clerk shall forthwith upon receipt of the same file in his office one copy thereof, which shall thereupon become a public record, and post and keep posted, until the day on which the same shall be voted upon, in a conspicuous place in his office another copy thereof and, at least ten days before the first day of registration of voters for the election at which the same shall be voted upon, cause to be delivered to the board of election officers in each election district in his county at least one hundred copies of such bill or resolution, which board shall, on or before the first day of such registration, post and keep posted until and during the day on which the same shall be voted upon in a conspicuous place in the polling place in its election district one copy thereof and have the remaining copies thereof at such polling place on each day of such registration for distribution to the voters who may apply thereat to be registered until the same shall have, through such distribution, been exhausted; and each such clerk shall, at public expense, cause to be published daily for thirty days before the election at which the same shall be voted upon in the two newspapers published in his county having the largest and the next largest week-day circulation respectively and being of different political adherence, a notice briefly stating the substance of the bill or resolution and stating the day on which it will be submitted to the people for their approval or rejection. If, upon such submission, a majority of all the persons voting thereon approve the bill or resolution it shall, if it be a bill, become effective as law on and after the first day of January next succeeding the day on which it was so submitted and, if it be a resolution, it shall be deemed to have been adopted; otherwise the bill or resolution shall be deemed to have failed of enactment or adoption; and, in

either case, the governor shall, within ten days after the completion of the canvass of the vote upon the bill or resolution, announce by proclamation the result of such vote.

Art. 3, § 1-b. (Proposal to add the following new section:)
The legislature may, concurrently with the people and by a joint resolution of each house thereof filed in the office of the secretary of state, to which resolution a copy of the bill or resolution thereby proposed shall be annexed and therewith so filed, propose a bill or resolution for submission to them for their approval or rejection by direct vote; and upon such resolution being so filed the same shall be treated as a petition filed pursuant hereto by the people for the purpose of initiating a bill or resolution; and the same proceedings shall be taken with respect thereto and the bill or resolution thereby proposed as are hereby directed to be taken with respect to such petition and shall have the same effect as those hereby directed to be taken with respect to such petition.

Art. 3, § 1-c. (Proposal to add the following new section:)
No act, bill or resolution enacted or adopted by the legislature, either with or without the approval of the governor, except such as pertain solely to the administrative affairs of the legislature or of either branch thereof or as appropriate money for the current expenses of government or as propose a bill or a resolution for submission to the people for their approval or rejection by direct vote, shall take effect until after the expiration of sixty days after it shall have been approved by the governor or shall have been enacted or adopted without his approval, unless it shall have been enacted or adopted by the vote of all the members elected to each house thereof. Within the said sixty days a petition addressed to the secretary of state and signed by duly qualified electors to the number of at least five per centum of the total vote cast for the office of governor at the last preceding general election and requesting that a bill or resolution which shall have been enacted or adopted by the legislature, either with or without the approval of the governor, and which may pursuant to the provisions hereof be referred to the people for their approval or rejection by direct vote, may be filed in the office of the secretary of state; and, if within such sixty days such petition be so filed, the bill or resolution named therein and hereby authorized to be referred to the people shall not take effect unless it be approved by the people by direct vote. Such petition may be executed in sections; and, if executed in sections,

the several sections thereof shall be regarded as one petition. Each elector who may sign such petition shall do so personally and shall, with his own hand, write opposite his signature his place of residence, which, if in a city or a village, shall be stated, so far as practicable, by street and number, and shall acknowledge his signature before an officer authorized to take the acknowledgment of signatures to deeds of real property to be recorded within the state; and the certificate of acknowledgment of such officer, which shall be to the effect that each signer as to whose acknowledgment he may certify personally appeared before him on a day to be therein stated, that he is known to him, that he knows him to be the person described in and who executed such petition, that his place of residence is correctly stated therein and that he knows him to be a duly qualified elector, shall be annexed to and filed with such petition. The bill or resolution described in such petition shall be referred to the people for their approval or rejection, by direct vote, at the next general election occurring not less than sixty days after the filing of such petition or, if no general election shall occur within three months after the filing of the same, at such special election as the governor may, by proclamation, appoint therefor; and the several officers charged with the duty of providing for and conducting elections shall, at public expense, provide for the reference of the same accordingly. Within ten days after the filing of such petition in his office the secretary of state shall, at public expense, cause to be printed and delivered to the clerk of each county in the state copies of the act, bill or resolution therein mentioned to the number of at least one hundred for every election district in the county and of one hundred in addition thereto; and each such clerk shall, upon receipt of the same, file in his office one copy thereof, which shall thereupon become a public record, and post and keep posted, until the day on which the same shall be voted upon, in a conspicuous place in his office another copy thereof and, at least ten days before the first day of registration of voters for the purposes of the election at which the same shall be voted upon, cause to be delivered to the board of election officers in each election district in his county one hundred copies of such act, bill or resolution, which board shall, on or before the first day of such registration, post and keep posted, until and during the day on which the same shall be voted upon, in a conspicuous place in the polling place in its election district one copy thereof and have the remaining copies thereof at such polling

place on each day of such registration for distribution to the voters who may apply thereat to be registered until the same shall have, through such distribution, been exhausted; and each such clerk shall, at public expense, cause to be published daily for thirty days before the election at which the same shall be voted upon in the two newspapers published in his county having the largest and the next largest week-day circulation respectively and being of different political adherence, a notice briefly stating the substance of the act, bill or resolution and stating the day on which it will be referred to the people for their approval or rejection. If, upon such reference, a majority of all the persons voting thereon approve the act, bill or resolution it shall, if an act or a bill, become effective as law after the expiration of ten days after the governor shall, by proclamation, announce the result of the vote thereon and, if a resolution, it shall be deemed to have been adopted; otherwise the act, bill or resolution shall be deemed to have failed of enactment or adoption; and, in either case, the governor shall, within ten days after the completion of the canvass of the vote upon the act, bill or resolution, announce, by proclamation, the result of such vote.

Art. 3, § 1-d. (Proposal to add the following new section:)
When competing, conflicting and contradicting acts, bills, or resolutions relating to the same subject are submitted or referred to the people for their approval or rejection by direct vote at the same election, no such act, bill or resolution shall be deemed to have been approved unless it shall have been approved by a majority of all those voting upon all such acts, bills or resolutions relating to the same subject.

Art. 3, § 1-e. (Proposal to add the following new section:)
The legislature shall not, either with or without the approval of the governor, amend or repeal, or pass any act or bill or adopt any resolution conflicting with, any act, bill, or resolution or any part thereof which shall have been, by direct vote, approved by the people or pass any act or bill or adopt any resolution which shall have been, on reference to the people, rejected by them by direct vote.

Art. 3, § 1-f. (Proposal to add the following new section:)
No court, judge or justice of the state shall set aside, disregard, abrogate or declare unconstitutional or void any act, bill or resolution, or any part thereof, which shall have been, pursuant to the provisions hereof, approved by the people by direct vote; and any

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such judge or justice who shall render or sign a decision or sign or direct the entry of any order or judgment in violation of the provisions of this section shall forfeit his office and the same shall, thereupon, be deemed to be and become vacant and his successor therein shall be elected for the unexpired portion of his term at the next general election occurring not less than sixty days after such vacancy shall so occur.

Art. 3, § 14. *The enacting clause of all bills initiated by the people shall be: "The People of the State of New York enact as follows"; and [T] the enacting clause of all bills originating in either house of the legislature shall be: "The People of the State of New York, represented in senate and assembly, [do] enact as follows" [.] ; and no law shall be enacted except by bill.*

Every act, bill or resolution originating with the people or in either house of the legislature shall bear a title whereby the purpose of the same shall be briefly indicated; and upon the submission or reference of the same to the people for their approval or rejection, by direct vote, the question upon which they shall vote shall be: "Shall the bill originating (here state that it originated with the people or in the legislature, as the case may be) and entitled 'an act (here state the title), become law?"

Upon the submission or reference to the people for their approval or rejection, by direct vote, of any question, the question upon which they shall vote shall be: "Shall (here state the question in concise language)?"

The questions upon which the people shall vote shall be printed upon a ballot separate from that upon which the names of candidates for public office shall be printed and, if there be more than one, shall be separated from each other by a horizontal line and shall be separately numbered; and opposite each such question there shall be printed, one above the other, two voting spaces one-half inch square, immediately above the top one of which there shall be printed the word "yes" and immediately above the other of which there shall be printed the word "no". For an affirmative vote upon any such question the elector voting upon the same shall, with a pencil of black lead, make a X mark within the said voting space immediately under the word "yes"; and for a negative vote upon any such question the elector voting upon the same shall likewise make a X mark within the said voting space immediately under the word "no". Such ballots shall, so far as practicable, conform to the requirements made by law for official

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ballots used at the same election for the purpose of voting for candidates for public office.

Art. 3, § 15. No bill *originating in either house of the legislature* shall be passed or become a law unless it shall have been printed and upon the desks of the members, in its final form, at least three calendar legislative days prior to its final passage, unless the Governor, or the acting Governor, shall have certified to the necessity of its immediate passage, under his hand and the seal of the State; nor shall any bill be passed or become a law, except by the assent of a majority of the members elected to each branch of the legislature; and upon the last reading of a bill, no amendment thereof shall be allowed, and the question upon its final passage shall be taken immediately thereafter, and the yeas and nays entered on the journal.

Art. 4, § 4. The Governor shall be commander-in-chief of the military and naval forces of the state. He shall have power to convene the legislature, or the senate only, on extraordinary occasions. At extraordinary sessions no subject shall be acted upon, except such as the governor may recommend for consideration. He shall communicate by message to the legislature at every session the condition of the state, and recommend such matters to it as he shall judge expedient. He shall transact all necessary business with the officers of government, civil and military. *He shall have power to call special elections for the purpose of referring to the people for their approval or rejection, by direct vote, any act, bill or resolution enacted or adopted by the legislature, either with or without his approval, which may, pursuant to the provisions hereof, be submitted to them, whenever no general election shall occur within three months after the filing of the petition for the reference of the same.* He shall expedite all such measures as may be resolved upon by the legislature, and shall take care that the laws are faithfully executed. He shall receive for his service an annual salary of ten thousand dollars, and there shall be provided for his use a suitable and furnished executive residence.

Art. 4, § 9. Every bill which shall have passed the senate and assembly shall, before it becomes a law, be presented to the governor; if he approve, he shall sign it; but if not, he shall return it with his objections to the house in which it shall have originated, which shall enter the objections at large on the journal, and

proceed to reconsider it. If after such reconsideration, two-thirds of the members elected to that house shall agree to pass the bill, it shall be sent together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two thirds of the members elected to that house, it shall become a law notwithstanding the objections of the governor, *unless a petition for its reference to the people shall be filed as herein provided.* In all such cases the votes in both houses shall be determined by yeas and nays, and the names of the members voting shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature shall, by their adjournment, prevent its return, in which case it shall not become a law without the approval of the governor, *unless a petition for its reference to the people shall be filed as herein provided.* No bill enacted by the legislature shall become a law after the final adjournment of the legislature, unless approved by the governor within thirty days after such adjournment. If any bill presented to the governor contain several items of appropriation of money, he may object to one or more of such items while approving of the other portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects; and the appropriation so objected to shall not take effect. If the Legislature be in session, he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If on reconsideration one or more of such items be approved by two-thirds of the members elected to each house, the same shall be part of the law, notwithstanding the objections of the governor. All the provisions of this section, in relation to bills not approved by the governor, shall apply in cases in which he shall withhold his approval from any item or items contained in a bill appropriating money. *The veto power of the governor shall not, however, extend to any act, bill or resolution which shall have been, pursuant to the provisions hereof, approved by the people by direct vote.*

Art. 7, § 4. Except the debts specified in sections two and three of this article, no debts shall be hereafter contracted by or [in] on behalf of this state, unless such debt shall be authorized

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by a law, for some single work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax to pay, and sufficient to pay, the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within fifty years from the time of the contracting thereof. No such law shall take effect until it shall at a general election have been [submitted] *referred* to the people, and have received a majority of all the votes cast for and against it at such election. On the final passage of such bill in either house of the legislature, the question shall be taken by ayes and noes, to be duly entered on the journals thereof, and shall be: "Shall this bill pass, and ought the same to receive the sanction of the people?"

[The legislature may at any time, after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same; and may at any time, by law, forbid the contracting of any further debt or liability under such law; but t]The tax imposed by such act, in proportion to the debt and liability which may have been contracted in pursuance of such law, shall remain in force and be irrevocable, and be annually collected, until the proceeds thereof shall have made the provisions hereinbefore specified to pay and discharge the interest and principal of such debt and liability. The money arising from any loan or stock creating such debt or liability shall be applied to the work or object specified in the act authorizing such debt or liability, or for the payment of such debt or liability, and for no other purpose whatever. [No such law shall be submitted to be voted on, within three months after its passage, or at any general election when any other law, or any bill shall be submitted to be voted for or against.] The legislature may provide for the issue of bonds of the state to run for a period not exceeding fifty years in lieu of bonds heretofore authorized but not issued and shall impose and provide for the collection of a direct annual tax for the payment of the same as hereinbefore required. When any sinking fund created under this section shall equal in amount the debt for which it was created, no further direct tax shall be levied on account of said sinking fund and the legislature shall reduce the tax to an amount equal to the accruing interest on such debt.

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Art. 8, § 13. Existing laws relating to institutions referred to in the foregoing sections and to their supervision and inspection, in so far as such laws are not inconsistent with the provisions of the constitution, shall remain in force until amended or repealed *by the people, by direct vote, or by the legislature.* The visitation and inspection herein provided for shall not be exclusive of other visitation and inspection now authorized by law.

Art. 10, § 3. When the duration of any *term of office* is not provided by this constitution it may be declared by law, and if not so declared, such office shall be held during the pleasure of the authority making the appointment[.]; *but the tenure of every elective office, notwithstanding that the term thereof may be fixed, shall be subject to the will of the people to be expressed in accordance with the provisions of section eight of this article.*

Art. 10, § 8. *The people of the state or of any political or territorial subdivision thereof may, at their option, without assigning any reason therefor, at any time and notwithstanding that the term for which he shall have been elected has not expired, by filing a petition pursuant to the provisions of this section, remove from office any public elective officer of the state or of any political or territorial subdivision thereof. Such petition shall be addressed to the official in whose office the same is hereby directed to be filed, shall be executed in like manner as a petition required by the provisions hereof for the initiation of a bill or resolution by the people of the state and shall be signed by qualified electors of the territory throughout which the officer sought to be removed was voted for to the number of at least twenty-five per centum of the total vote cast in such territory for the office of governor at the last preceding general election; and such petition shall state the officer sought to be removed, the title of the office from which his removal is sought, the date of his election thereto and the date of the commencement of his term in such office and shall pray his removal therefrom. If such officer were, upon his election to such office, voted for throughout the state, such petition shall be filed in the office of the secretary of state. If he be an officer other than a city officer and were voted for throughout a territory of less extent than the whole state, it shall be filed in the office of the clerk of a county embraced wholly or partly within such territory and a duplicate or a certified copy thereof shall be filed in the office of the clerk of each other county embraced wholly or partly*

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within such territory. If he be a city officer, it shall be filed in the office of the clerk of the city of which he shall be an officer. Upon the filing of such petition as aforesaid the office occupied by him shall, thereupon, be deemed to be vacant on and after the first day of January next succeeding the general election occurring not less than sixty days after the filing thereof; and within five days after the filing of such petition the governor, if such officer be an officer other than a city officer, and the mayor of the city of which he shall be an officer, if he be a city officer, shall, by proclamation, declare the same vacant accordingly. The successor to such officer shall, at the next general election occurring not less than sixty days after the filing of such petition, be elected for the unexpired term for which the officer so removed was elected and shall take such office on the first day of January next succeeding such general election.

The legislature may declare the cases in which any office shall be deemed vacant when no provision is made for that purpose in this constitution.

Art. 12, § 2. All cities are classified according to the latest state enumeration, as from time to time made, as follows: The first class includes all cities having a population of one hundred and seventy-five thousand, or more; the second class, all cities having a population of fifty thousand and less than one hundred and seventy-five thousand; and the third class, all other cities. Laws relating to the property, affairs or government of cities, and the several departments thereof, are divided into general and special city laws; general city laws are those which relate to all the cities of one or more classes; special city laws are those which relate to a single city, or to less than all the cities of a class. Special city laws shall not be passed except in conformity with the provisions of this section. After any bill for a special city law[[], relating to a city,[]] has been passed by both branches of the legislature, the clerk of the house in which it originated shall immediately transmit a certified copy thereof to the mayor of ^[such city,] each city to which the same relates; and, within five days after the receipt of the same, such mayor shall issue a proclamation stating the date of its receipt by him, the title of the bill and a time when, which shall not be less than five days after the first publication of such proclamation as herein directed, and a place in such city where a public hearing thereon will be had and shall, at public expense,

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cause such proclamation to be published daily for five days in the two newspapers published in such city having the largest and the next largest week-day circulation respectively and being of different political adherence; and such mayor shall neither approve nor reject such bill until after the time thereby appointed for such hearing. [W]ithin fifteen days [thereafter the] after its receipt by him such mayor shall return such bill to the house from which it was sent, or if the session of the legislature at which such bill was passed [has] shall have terminated, to the governor, with [the] such mayor's certificate thereon, stating whether [the city] he, on behalf of such city, has or has not accepted the same. [In every city of the first class, the mayor, and in every other city, the mayor and the legislative body thereof concurrently, shall act for such city as to such bill; but the legislature may provide for the concurrence of the legislative body in cities of the first class. The legislature shall provide for a public notice and opportunity for a public hearing concerning any such bill in every city to which it relates, before action thereon. Such a bill, if it relates to more than one city, shall be transmitted to the mayor of each city to which it relates, and shall not be deemed accepted unless accepted as herein provided, by every such city.] Unless such bill shall be accepted, as herein provided, by such mayor no further action shall be taken thereon by either the legislature or the governor; and, if so accepted, no further action shall be taken thereon by either the governor or the legislature until after the expiration of ten days after such acceptance. Within such ten days a petition addressed to the clerk of such city and signed by duly qualified electors thereof to the number of at least five per centum of the total vote cast for the office of mayor thereof at the last preceding general election and requesting that such bill be referred to the people of such city for their approval or rejection, by direct vote, may be filed in the office of the clerk of such city; and if, within such ten days, such petition be so filed action by the governor upon such bill shall be thereby and thereupon suspended and the same shall be referred to the people of such city for their approval or rejection, by direct vote, at the next general election occurring not less than thirty days after the filing of such petition; and the several officers charged with the duty of providing for and conducting elections in such city shall, at public expense, provide for*

* So in original.

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the reference of the same accordingly. Such petition shall be executed in like manner as a petition required by the provisions hereof for the initiation of a bill or resolution by the people. Such mayor shall, within ten days after the completion of the canvass of the vote upon such bill, announce, by proclamation, the result thereof. If, upon such reference, a majority of all the persons voting thereon in each such city approve such bill, it shall, thereupon, be subject, as other bills, to the action of the governor; and, unless it be so approved, no further action shall be taken thereon either by the governor or the legislature. [Whenever any such bill is accepted as herein provided, it shall be subject as are other bills, to the action of the governor. Whenever, during the session at which it was passed, any such bill is returned without the acceptance of the city or cities to which it relates, or within such fifteen days is not returned, it may nevertheless again be passed by both branches of the legislature, and it shall then be subject as are other bills, to the action of the governor. In every special city law which has been accepted by the city or cities to which it relates, the title shall be followed by the words "accepted by the city," or "cities," as the case may be; in every such law which is passed without such acceptance, by the words "passed without the acceptance of the city," or "cities," as the case may be.]

Art. 12, § 2-a. (Proposal to add the following new section:) *The people of any city may exercise, by direct vote, any power or authority with which such city may by law be vested; and they may, by direct vote, determine, within the scope of such power or authority, what action shall be taken by such city with respect to any question, measure, issue, policy, ordinance, order, resolution or action affecting it and its affairs. A petition addressed to the clerk of such city and signed by duly qualified electors thereof to the number of at least five per centum of the total vote cast for the office of mayor thereof at the last preceding general election and requesting that any such question, measure, issue, policy, ordinance, order, resolution or action be submitted to the people of such city for their approval or rejection, by direct vote, which question, measure, issue, policy, ordinance, order, resolution or action proposed by such petition shall be set forth therein in concise language, may at any time be filed in the office of the clerk of such city; and, upon such petition being so filed, each officer, board,*

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department, bureau, employee, agent and servant of such city shall thereby be effectually stayed, restrained and enjoined from adopting, passing, determining, issuing, executing or otherwise taking any action with respect to or affecting any such question, measure, issue, policy, ordinance, order, resolution or action until after the same shall be approved or rejected, by direct vote, by the people of such city. Such petition shall be executed in like manner as a petition required by the provisions hereof for the initiation of a bill or resolution by the people. The question, measure, issue, policy, ordinance, order, resolution or action proposed by such petition shall be submitted to the people of such city for their approval or rejection, by direct vote, at the next general election occurring not less than thirty days after the filing of such petition; and the several officers charged with the duty of providing for and conducting elections in such city shall, at public expense, provide for the submission of the same accordingly. At least one day before the first day of the registration of voters for the purposes of the election at which the same shall be voted upon the clerk of such city shall, at public expense, cause to be printed and delivered to the board of election officers in each election district in such city at least one hundred copies of such question, measure, issue, policy, ordinance, order, resolution or action, as stated in such petition, upon which copies shall be printed a statement of the date of the filing of such petition and of the time when such question, measure, issue, policy, ordinance, order, resolution or action will be submitted to the people for their approval or rejection, by direct vote, which board shall make the same disposition of the said copies as it is, by the provisions of article three hereof, directed to make of copies of bills or resolutions forwarded to it by the county clerk; and the clerk of such city shall, at public expense, cause to be published for ten days before the same shall be voted upon in the two newspapers published in such city having the largest and the next largest week-day circulation respectively and being of different political adherence a notice briefly stating the substance of the question, measure, issue, policy, ordinance, order, resolution or action and stating the day on which it will be submitted to the people of such city for their approval or rejection. If, upon such submission, a majority of all the persons voting thereon approve such question, measure, issue, policy, ordinance, order, resolution or action it shall become effective as law

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and shall be observed by and be binding upon such city and the people and each officer, board, department, bureau, employee, agent and servant thereof on and after the first day of January next succeeding the day on which it was voted upon; otherwise the same shall be deemed to have been rejected; and, in either case, the mayor of such city shall, within ten days after the completion of the canvass of the vote upon such question, measure, issue, policy, ordinance, order, resolution or action, announce, by proclamation, the result thereof. No officer, board, department, bureau, employee, agent or servant of such city shall adopt, issue, make, give, enforce, execute, obey or otherwise recognize or establish any question, measure, issue, policy, ordinance, order, resolution or action which shall have been, on submission to the people of such city, rejected by them by direct vote.

Art. 14, § 1. **Any amendment or a Amendments to this Constitution may be proposed in the Senate and Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, and the yeas and nays taken thereon, and referred to the Legislature to be chosen at the next general election of senators, and shall be published for three months previous to the time of making such choice; and if in the Legislature so next chosen, as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit each such proposed amendment or amendments to the people for approval in such manner and at such times as the Legislature shall prescribe; by the people and submitted to them for their approval or rejection, by direct vote, in the same manner in which a bill or resolution may, pursuant to the provisions thereof, be initiated by them and submitted to them for their approval or rejection or by the legislature in the same manner in which a bill or resolution may, pursuant to the provisions hereof, be proposed by it for submission to the people; and the same action shall be taken with respect to a petition proposing an amendment hereto and the amendment thereby proposed as is herein directed to be taken with respect to a petition initiating a bill or a resolution by the people and the bill or resolution initiated by the same or with respect to an amendment so proposed by the legislature as is herein directed to be taken with respect to a bill or resolution pro-**

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posed by it for submission to the people; except that a petition proposing an amendment hereto shall be signed by duly qualified electors to the number of at least ten per centum of the total vote cast for the office of governor at the last preceding general election, that an amendment hereto can be proposed by the legislature only by the vote of two-thirds of all the members elected to each house thereof and that an amendment hereto, whether originating with the people or in the legislature, shall not be deemed to have been adopted by the people unless it shall have been approved by two-thirds of all those voting thereon. An amendment so proposed shall be submitted to the people for their approval or rejection, by direct vote, at the next general election occurring not less than four months after the filing of the petition by the people or the adoption of a resolution by the legislature proposing the same; and if the people shall approve [and ratify] such amendment [or amendments] by [a majority of] the vote of two-thirds of all those [the electors] voting thereon, such amendment [or amendments] shall be deemed to have been adopted and shall become a part of [the] this Constitution [from] on and after the first day of January next after such approval.

Art. 14, § 2. At the general election to be held in the year one thousand nine hundred and sixteen, and every twentieth year thereafter, and also at such times as the people may, by a petition executed and filed in accordance with the provisions, so far as the same may be applicable, governing the initiation of a bill or resolution by them, request and as the Legislature may by law provide, the question, "Shall there be a convention to revise the Constitution and amend the same?" shall be decided by the electors of the State; and in case a majority of the electors voting thereon shall decide in favor of a convention for such purpose, the electors of every senate district [of] in the State, as then organized, shall elect three delegates at the next ensuing general election at which members of the Assembly shall be chosen, and the electors of the State voting at the same election shall elect fifteen delegates-at-large. The delegates so elected shall convene at the capitol on the first Tuesday of April next ensuing after their election, and shall continue their session until the business of such convention shall have been completed. Every delegate shall receive for his services the same compensation and the same mileage as shall then be annually payable to the members of the Assembly. A majority

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of the convention shall constitute a quorum for the transaction of business, and no amendment to the Constitution shall be submitted for approval to the electors as hereinafter provided, unless by the assent of a majority of all the delegates elected to the convention, the yeas and nays being entered on the journal to be kept. The convention shall have the power to appoint such officers, employees and assistants as it may deem necessary, and fix their compensation and to provide for the printing of its documents, journal and proceedings. The convention shall determine the rules of its own proceedings, choose its own officers, and be the judge of the election, returns and qualifications of its members. In case of a vacancy, by death, resignation or other cause, of any district delegate elected to the convention, such vacancy shall be filled by a vote of the remaining delegates representing the district in which such vacancy occurs. If such vacancy occurs in the office of a delegate-at-large, such vacancy shall be filled by a vote of the remaining delegates-at-large. Any proposed constitution or constitutional amendment which shall have been adopted by such convention, shall be submitted to a vote of the electors of the state at the time and in the manner provided by such convention, at an election which shall be held not less than six **[weeks]** *months* after the adjournment of such convention. Upon the approval of such constitution or constitutional amendments, in the manner provided in the last preceding section, such constitution or constitutional amendment, shall go into effect on the first day of January next after such approval.

1909. S. No. 1308 (Int. 1034).

S. J. 880.

3. Biennial sessions of legislature — terms and apportionment of legislators

Art. 3, § 2. The senate shall consist of fifty members, except as hereinafter provided. **[The senators elected in the year [one thousand eight] *eighteen* hundred and ninety-five shall hold their offices for three years, and their successors shall be chosen for two years.]** The assembly shall consist of one hundred and fifty members. **[who shall be chosen for one year.]** *Senators shall be chosen for four years, and members of the assembly for two years.*

Art. 4, § 3. The governor and lieutenant-governor shall be elected at the times and places of choosing members of the assembly. The persons respectively having the highest number of votes

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for governor and lieutenant-governor shall be elected; but in case two or more shall have an equal and [the] highest number of votes for governor, or for lieutenant-governor, the two houses of the legislature at its next *regular* [annual] session shall forthwith, by joint ballot, choose one of the said persons so having an equal and the highest number of votes, for governor or lieutenant-governor.

Art. 10, § 6. The political year and legislative term shall begin on the first day of January. [; and the] The legislature shall [every year] assemble on the first Wednesday in January [.] *in the year nineteen hundred and six and in the year nineteen hundred and seven, and thereafter biennially on the same day. It shall also assemble on the same day in the year next following the return of an enumeration of the inhabitants of the state under the constitution, for the purpose only of making an apportionment of senators and members of the assembly; and each session, for that purpose, shall be deemed a regular session.*

1904. A. No. 1201 (Int. 963).

A. J. 863.

*1905. A. No. 476 (Int. 446).

A. J. 224.

4. Biennial sessions of legislature—terms and salaries of legislators—appropriations—apportionment

Art. 3, § 2. [The senate shall consist of fifty members, except as hereinafter provided. The senators elected in the year eighteen hundred and ninety-five shall hold their offices for three years, and their successors shall be chosen for two years. The assembly shall consist of one hundred and fifty members, who shall be chosen for one year.] *The senate shall consist of fifty members, except as hereinafter provided. The assembly shall consist of one hundred and fifty members. Senators shall be chosen for four years and members of the assembly for two years.*

Art. 3, § 6. Each member of the legislature shall receive for his services an annual salary of one thousand [five hundred] dollars. The members of either house shall also receive the sum of one dollar for every ten miles they shall travel in going to and returning from their place of meeting, once in each session, on the

* This amendment is identical with A. No. 1201 introduced in 1904 except that in amending Art. 10, § 6, it gives later years for the first and second sessions of the legislature after the adoption of the amendment.

† So in original.

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most usual route. Senators, when the senate alone is convened in extraordinary session, or when serving as members of the court for the trial of impeachments, and such members of the assembly, not exceeding nine in number, as shall be appointed managers of an impeachment, shall receive an additional allowance of ten dollars a day.

Art. 3, § 22. [No provision or enactment shall be embraced in the annual appropriation or supply bill, unless it relates specifically to some particular appropriation in the bill; and any such provision or enactment shall be limited in its operation to such appropriation.] *A general bill making appropriations for the support of government, or a supply bill, shall not embrace any provision or enactment which does not specifically relate to some particular item in the bill; and any such provision or enactment shall be limited in its operation to such appropriation.*

Art. 4, § 3. The governor and lieutenant-governor shall be elected at the times and places of choosing members of the assembly. The persons respectively having the highest number of votes for governor and lieutenant-governor shall be elected; but in case two or more shall have an equal and the highest number of votes for governor, or for lieutenant-governor, the two houses of the legislature at its next regular [annual] session shall forthwith, by joint ballot, choose one of the said persons so having an equal and the highest number of votes, for governor or lieutenant-governor.

Art. 10, § 6. The political year and legislative term shall begin on the first day of January; [and the legislature shall, every year, assemble on the first Wednesday in January.] *The legislature shall assemble on the first Wednesday of January in the year nineteen hundred, and in the year nineteen hundred and one, and thereafter biennially on the same day. It shall also assemble on the same day in the year next following the return of an enumeration of the inhabitants of the state under this constitution, for the purpose, only, of making an apportionment of senators and members of the assembly; and such session, for that purpose, shall be deemed a regular session.*

1898. S. No. 504 (Int. 182). To Sec. of State.
S. J. 81, 166, 266, 312, 324, 344, 346, 654.
A. J. 679, 716, 763, 771, 951, 978.
1899. S. No. 5 (Int. 5). (Same as A. No. 7.)
A. J. 34, 454, 844, 929.
A. No. 7 (Int. 7). (Same as S. No. 5.)
A. J. 43.

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Art. 3, § 2. [The senate shall consist of fifty members, except as hereinafter provided. The senators elected in the year eighteen hundred and ninety-five shall hold their offices for three years, and their successors shall be chosen for two years. The assembly shall consist of one hundred and fifty members, who shall be chosen for one year.] *The senate shall consist of fifty members, except as hereinafter provided. The assembly shall consist of one hundred and fifty members. Senators shall be chosen for four years, and members of the assembly for two years.*

Art. 3, § 6. [Each member of the legislature shall receive for his services an annual salary of one thousand five hundred dollars.] *Each senator shall be entitled to receive three thousand dollars, and each member of the assembly, fifteen hundred dollars, as compensation for his services for a full term, except that when convened in extraordinary session by the governor, they shall each receive ten dollars per day, but not to exceed in the aggregate five hundred dollars to each member for such per diem allowance at one extraordinary session.* The members of either house shall also receive the sum of one dollar for every ten miles they shall travel in going to and returning from [their] the place of meeting, once in each session, on the most usual route. Senators, when the senate alone is convened in extraordinary session, or when serving as members of the court for the trial of impeachments, and such members of the assembly, not exceeding nine in number, as shall be appointed managers of an impeachment, shall receive an additional allowance of ten dollars a day.

Art. 3, § 22. [No provision or enactment shall be embraced in the annual appropriation or supply bill, unless it relates specifically to some particular appropriation in the bill; and any such provision or enactment shall be limited in its operation to such appropriation.] *A general bill making appropriations for the support of government, or a supply bill, shall not embrace any provision or enactment which does not specifically relate to some particular item in the bill and any such provision or enactment shall be limited in its operation to such appropriation.*

Art. 4, § 3. The governor and lieutenant-governor shall be elected at the times and places of choosing members of the assembly. The persons respectively having the highest number of votes for governor and lieutenant-governor shall be elected; but in case two or more shall have an equal and the highest number

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of votes for governor or for lieutenant-governor, the two houses of the legislature at its next **[annual]** *regular session* shall forthwith, by joint ballot, choose one of the said persons so having an equal and the highest number of votes, for governor or lieutenant-governor.

Art. 10, § 6. The political year and legislative term shall begin on the first day of January. **[**; and the legislature shall, every year, assemble on the first Wednesday in January.**]** *The legislature shall assemble on the first Wednesday of January in the year nineteen hundred, and in the year nineteen hundred and one, and thereafter biennially on the same day. It shall also assemble on the same day in the year next following the return of an enumeration of the inhabitants of the state under this constitution, for the purpose of making an apportionment of senators and members of the assembly; and such session, for that purpose, shall be deemed a regular session.*

1898. A. No. 760 (Int. 300).

A. J. 119, 425, 482, 493.

5. Biennial sessions of legislature — United States deposit fund

Art. 3, § 2. The senate shall consist of fifty members, except as hereinafter provided. The senators elected in the year one thousand eight hundred and ninety-five shall hold their offices for three years, and their successors shall be chosen for two years. The assembly shall consist of one hundred and fifty members who, *beginning with the year nineteen hundred*, shall be chosen for **[one]** *two years.*

Art. 4, § 3. The Governor and Lieutenant-Governor shall be elected at the time and places of choosing members of the **[Assembly]** *Legislature.* The persons respectively having the highest number of votes for Governor and Lieutenant-Governor shall be elected; but in case two or more shall have an equal and the highest number of votes for Governor, or for Lieutenant-Governor, the two houses of the Legislature at its next **[annual]** session shall forthwith, by joint ballot, choose one of the said persons so having an equal and the highest number of votes for Governor or Lieutenant-Governor.

Art. 4, § 5. The Governor shall have power to grant reprieves, commutations and pardons after conviction, for all offenses except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to

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such regulations as may be provided by law relative to the manner of applying for pardons. Upon convictions for treason, he shall have power to suspend the execution of the sentence, until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall **[annually]** *at each session* communicate to the Legislature each case of reprieve, commutation or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the commutation, pardon or reprieve.

Art. 7, § 9. No tolls shall hereafter be imposed on persons or property transported on **[the]** canals, but all boats navigating the canals, and the owners and masters thereof shall be subject to such laws and regulations as have been or may hereafter be enacted concerning the navigation of the canals. The Legislature shall **[annually]** *at each session*, by equitable taxes, make provision for the expenses of the **[superintendence]** *superintendent* and repairs of the canals. All contracts for work or materials on any canals shall be made with the persons who shall offer to do or provide the same at the lowest price, with adequate security for their performance. No extra compensation shall be made **[to]** any contractor; but if, from any unforeseen cause, the terms of any contract shall prove to be unjust and oppressive, the canal board may, upon the application of the contractor, cancel such contract.

Art. 9, § 3. The capital of the common school fund, the capital of the literature fund, and the capital of the United States deposit fund shall be respectively preserved inviolate. The revenue of the said common school fund shall be applied to the support of common schools; the revenue of the said literature fund shall be applied to the support of academies; and the sum of **[twenty-five thousand]** *fifty thousand* dollars of the revenues of the United State deposit fund shall **[each year]** *at each session of the Legislature* be appropriated to and made part of the capital of the said common school fund.

Art. 10, § 6. The political year and legislative term shall begin on the first day of January; and the Legislature shall **[every year]** assemble on the first Wednesday in January, *in the year one thousand nine hundred and one, and on the first Wednesday in January in every second year thereafter.* The Legislature shall hold

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no session but its regular biennial sessions, unless convened by the Governor in extra session in the manner provided by the Constitution; and the Legislature shall not hold any adjourned session.

1897. S. No. 1072 (Int. 832).
S. J. 645.

6. Single legislative body

Art. 3, § 1. The legislative powers of this state shall be vested in **[the senate and assembly.]** *one legislative governing body, to be constituted as hereinafter provided, to be called the legislature.*

Art. 3, § 2. **[The senate shall consist of fifty members, except as hereinafter provided. The senators elected in the year one thousand eight hundred and ninety-five shall hold their offices for three years, and their successors shall be chosen for two years. The assembly shall consist of one hundred and fifty members, who shall be chosen for one year.]** *The senators and assemblymen chosen at the election at which this amendment is adopted, shall constitute the legislature for the year beginning on the first day of January following the adoption of such amendment. The first elections of members of the legislature, as constituted hereunder, shall occur at the general election in the year following the adoption of this amendment, and they shall hold office for the term of two years from the first day of January following their election. The state legislature, except as hereinabove otherwise provided, shall hereafter be constituted by the election of one member from each congressional district. All provisions of this constitution referring to the legislature, its powers or duties, shall apply to the legislature as thus constituted, except that any provision requiring or permitting concurrent action of the senate and assembly, by resolution or otherwise, in any matter, shall hereafter be deemed to confer the authority or impose the duty to which such provision relates upon the legislature; and in like manner any power or duty conferred by this constitution on either branch of the legislature as heretofore constituted shall hereafter be deemed to confer such power or impose such duty on the legislature as hereinabove constituted.*

Art. 3, § 5. (This concurrent resolution also included a proposal to repeal this section.)

Art. 3, § 4. An enumeration of the inhabitants of the state shall be taken under the direction of the secretary of state, during

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the months of May and June, in the year one thousand nine hundred and five, and in the same months every tenth year thereafter. [; and the said districts shall be so altered by the legislature at the first regular session after the return of every enumeration, that each senate district shall contain as nearly as may be an equal number of inhabitants, excluding aliens, and be in as compact form as practicable, and shall remain unaltered until the return of another enumeration, and shall at all times, consist of contiguous territory, and no county shall be divided in the formation of a senate district except to make two or more senate districts wholly in such county. No town, and no block in a city inclosed by streets or public ways, shall be divided in the formation of senate districts; nor shall any district contain a greater excess in population over an adjoining district in the same county, than the population of a town or block therein, adjoining such district. Counties, towns or blocks which, from their location, may be included in either of two districts, shall be so placed as to make said districts most nearly equal in number of inhabitants, excluding aliens.

No county shall have four or more senators unless it shall have a full ratio for each senator. No county shall have more than one-third of all the senators; and no two counties or the territory thereof as now organized, which are adjoining counties, or which are separated only by public waters, shall have more than one-half of all the senators.

The ratio for apportioning senators shall always be obtained by dividing the number of inhabitants, excluding aliens, by fifty, and the senate shall always be composed of fifty members, except that if any county having three or more senators at the time of any apportionment shall be entitled on such ratio to an additional senator or senators, such additional senator or senators shall be given to such county in addition to the fifty senators, and the whole number of senators shall be increased to that extent.]

Art. 3, § 5. (This concurrent resolution also included a proposal to repeal this section.)

Art. 14, § 1. Any amendment or amendments to this constitution may be proposed in the [senate and assembly] legislature; and if the same shall be agreed to by a majority of the members elected [to each of the two houses] to the legislature, such proposed amendment or amendments shall be entered on [their] its journal[s],

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and the yeas and nays taken thereon, and referred to the legislature to be chosen at the next general election [of senators,] and shall be published for three months previous to the time of making such choice; and if in the legislature so next chosen, as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected [to each house] *thereto*, then it shall be the duty of the legislature to submit each proposed amendment or amendments to the people for approval in such manner and at such times as the legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors voting thereon, such amendment or amendments shall become a part of the constitution from and after the first day of January next after such approval.

Art. 14, § 2. At the general election to be held in the year one thousand nine hundred and sixteen and every twentieth year thereafter, and also at such times as the legislature may by law provide, the question, "Shall there be a convention to revise the constitution and amend the same?" shall be decided by the electors of the state; and in case a majority of the electors voting thereon shall decide in favor of a convention for such purpose, the electors of every [senate] *congressional* district of the state, as then organized, shall elect three delegates at the next ensuing general election [at which members of the Assembly shall be chosen], and the electors of the state voting at the same election shall elect fifteen delegates-at-large. The delegates so elected shall convene at the capitol on the first Tuesday of April next ensuing after their election, and shall continue their session until the business of such convention shall have been completed. Every delegate shall receive for his services the same compensation and the same mileage as shall then be annually payable to the members of the [assembly] *legislature*. A majority of the convention shall constitute a quorum for the transaction of business, and no amendment to the constitution shall be submitted for approval to the electors as hereinafter provided, unless by the assent of a majority of all the delegates elected to the convention, the yeas and nays being entered on the journal to be kept. The convention shall have the power to appoint such officers, employees and assistants as it may deem necessary, and fix their compensation and to provide for the printing of its documents, journal and proceedings. The convention shall determine the rules of its own proceedings, choose its own officers, and

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be the judge of the election, returns and qualifications of its members. In case of a vacancy, by death, resignation or other cause, of any district delegate elected to the convention, such vacancy shall be filled by a vote of the remaining delegates representing the district in which such vacancy occurs. If such vacancy occurs in the office of a delegate-at-large, such vacancy shall be filled by a vote of the remaining delegates-at-large. Any proposed constitution or constitutional amendment which shall have been adopted by such convention, shall be submitted to a vote of the electors of the state at the time and in the manner provided by such convention, at an election which shall be held not less than six weeks after the adjournment of such convention. Upon the approval of such constitution or constitutional amendments, in the manner provided in the last preceding section, such constitution or constitutional amendment, shall go into effect on the first day of January next after such approval.

1914. A. No. 1465 (Int. 1320).
A. J. 866.

7. Terms and salaries of members of legislature, governor and lieutenant-governor — short ballot

Art. 3, § 2. The senate shall consist of fifty members, except as hereinafter provided. [The senators elected in the year one thousand eight hundred and ninety-five shall hold their offices for three years, and their successors shall be chosen for two years.] *The senators elected in the year one thousand nine hundred and fourteen, shall hold their offices for two years, and their successors shall be chosen for four years.* The assembly shall consist of one hundred and fifty members, who shall be chosen for [one] two years[.] *at the general election in the year nineteen hundred and sixteen.*

Art. 3, § 6. Each member of the legislature shall receive for his services an annual salary of [one thousand five] *twenty-five* hundred dollars. Members of either house shall also receive the sum of one dollar for every ten miles they shall travel in going to and returning from their place of meeting, once in each session, on the most usual route[.], senators, when the senate alone is convened in extraordinary session, or when serving as members of the court for the trial of impeachments, and such members of the assembly, not exceeding nine [in number] *members*, as

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shall be appointed managers of an impeachment, shall receive an additional allowance of ten dollars a day.

Art. 4, § 1. The executive power shall be vested in a governor, who shall hold his office for **[two]** *four* years; a lieutenant-governor shall be chosen at the same time and for the same term. The governor and lieutenant-governor elected next preceding the time when this section shall take effect, shall hold office **[until]** *to* and including the thirty-first day of December, **[one thousand eight hundred and ninety-six]** *one thousand nine hundred and sixteen*, and their successors shall be chosen at the general election in that year**[.]** *for the term of four years.*

Art. 4, § 4. The governor shall be commander-in-chief of the military and naval forces of the state. He shall have power to convene the legislature, or the senate only, on extraordinary occasions. At extraordinary sessions no subject shall be acted upon, except such as the governor may recommend for consideration. He shall communicate by message to the legislature at every session the condition of the state, and recommend such matters to it as he shall judge expedient. He shall transact all necessary business with the officers of government, civil and military. He shall expedite all such measures as may be resolved upon by the legislature, and shall take care that the laws are faithfully executed. *He may at any time remove from office any state officer appointed by a governor of the state or by the head of any state department, bureau or commission, other than a judicial officer or an officer appointed by the legislature or by either house thereof, the method of whose removal is not elsewhere prescribed in this constitution; but unless he be authorized by law to remove any such officer at his pleasure, the governor shall in each case give to the officer removed a statement in writing of the reasons for his removal and an opportunity to be heard in his own behalf.* He shall receive for his services an annual salary of **[ten]** *twenty* thousand dollars and there shall be provided for his use a suitable and furnished executive residence.

Art. 5, § 1. The secretary of state, comptroller, treasurer, attorney-general, **[and]** state engineer and surveyor, *superintendent of public works and superintendent of state prisons* shall be **[chosen at a general election, at the times and places of electing the governor and lieutenant-governor and shall hold their offices for two years, except as provided in section two of this**

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article.] *appointed by the governor and shall hold their offices during the governor's pleasure.* Each of the officers [in this article] named[, excepting the speaker of the assembly,] *in this section shall, at stated times [during his continuance in office], receive for his services a compensation which shall not be increased or diminished during [the term for which he shall have been elected] his continuance in office, and shall give security in such amount, and with such sureties, as shall be required by law for the faithful discharge of his duties; nor shall he receive to his use any fees or perquisites of office or other compensation. No person shall be [elected] appointed to the office of state engineer and surveyor who is not a practical civil engineer.*

Art. 5, § 2. The first [election of the secretary of state, comptroller, treasurer, attorney-general and state engineer and surveyor,] *appointment, pursuant to this article, of the officers named in section one thereof shall be [held in the year one thousand eight hundred and ninety-five, and their terms of office shall begin on the first day of January, following, and shall be for three years. At the general election in the year one thousand eight hundred and ninety-eight, and every two years thereafter, their successors shall be chosen for the term of two years.] made by the governor chosen at the general election in the year nineteen hundred and sixteen, but the superintendent of state prisons who shall be in office on the first day of January in the year nineteen hundred and seventeen shall, unless sooner removed by the governor, hold office for the full term of which he shall have been appointed.*

(This concurrent resolution also included a proposal to repeal § 3, 4 and 7 of Art. 5, and to renumber §§ 5, 6, 8 and 9 as §§ 3, 4, 5, and 6, respectively.)

Art. 8, § 12. The members of the said board and of the said commissions shall be appointed by the governor[, by and with the advice and consent of the senate]; and any member may be removed from office by the governor [for cause], *a statement in writing having been furnished him of the reasons for his removal and an opportunity having been given him to be heard in his [defense] own behalf.*

Art. 10, § 9. No officer whose salary is fixed by the constitution shall receive any additional compensation. Each of the other state officers named in the constitution *who shall have been*

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appointed or elected for a fixed term shall, during his continuance in office, receive a compensation to be fixed by law, which shall not be increased or diminished during the term for which he shall have been elected or appointed; nor shall he receive to his use any fees or perquisites of office or other compensation.

Art. 11, § 4. The governor shall appoint the chiefs of the several staff departments, his aides-de-camp and military secretary, all of whom shall hold office during his pleasure, their commissions to expire with the term for which the governor shall have been elected; he shall also [nominate, and with the consent of the senate] appoint[,] all major-generals.

Art. 11, § 6. The commissioned officers shall be commissioned by the governor as commander-in-chief. No commissioned officer shall be removed from office during the term for which he shall have been appointed or elected, unless [by the senate on the recommendation of the governor stating the grounds on which such removal is recommended, or] by the sentence of a court-martial, or upon the findings of an *examination* [examining] board organized pursuant to law, or for absence without leave for a period of six months or more.

1914. A. No. 828 (Int. 786).

A. J. 364.

8. Short ballot

Art. 5, § 1. The secretary of state, [comptroller,] treasurer, attorney-general and state engineer and surveyor shall be [chosen at a general election at the times and places of electing the governor and lieutenant-governor, and shall hold their offices for two years, except as provided in section two of this article.] *appointed by the governor and shall hold their offices during the governor's pleasure.* Each of the officers in this article named, excepting the speaker of the assembly, shall, at stated times [during his continuance in office], receive for his services a compensation which shall not be [increased or] diminished during [the term for which he shall have been elected;] *his continuance in office*; nor shall he receive to his use any fees or perquisites of office or other compensation. No person shall be [elected] *appointed* to the office of state engineer and surveyor who is not a practical civil engineer.

Art. 5, § 2. (Proposal to add the following new section in place of section 2:) *The comptroller shall be appointed by the gov-*

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ernor, and shall hold his office during good behavior. He may be removed by the governor for reasonable cause, or upon address to the governor by a majority of all the members elected to each house of the legislature; but before such removal by the governor for cause, or at least ten days before any vote upon such address, he shall be served with a copy of the charges against him, and granted an opportunity of being publicly heard thereon; and the vote upon any such address shall be taken by yeas and nays and entered upon the journal of each house. The comptroller and the treasurer shall, before entering upon the duties of their respective offices, give security in such amount, and with such sureties, as shall be required by law for the faithful discharge of their respective duties.

Art. 5, § [2] 3. The first [election] appointment of the secretary of state, comptroller, treasurer, attorney-general and state engineer and surveyor, pursuant to this article, shall be [held in the year one thousand eight hundred and ninety-five, and their terms of office shall begin on the first day of January following, and shall be for three years. At the general election in the year one thousand eight hundred and ninety-eight, and every two years thereafter, their successors shall be chosen for the term of two years.] *made by the governor chosen at the general election in the year one thousand nine hundred and twelve, and they shall hold their offices from the first day of January following until their successors shall have been appointed and qualified.* ¹

(This concurrent resolution also included a proposal to repeal § 7 of Art. 5 and to renumber §§ 3, 4, 5 and 6 as §§ 4, 5, 6 and 7 respectively.)

1910. S. No. 1400 (Int. 1092).
S. J. 1107.

Art. 5, § 1. The secretary of state, [comptroller,] treasurer, attorney-general and state engineer and surveyor shall be [chosen at a general election at the times and places of electing the governor and lieutenant-governor and shall hold their offices for two years, except as provided in section two of this article.] *appointed by and with the advice and consent of the senate and each shall hold office until the end of the term of the governor by whom he was nominated and until his successor is appointed and quali-*

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fied. The comptroller shall be chosen at a general election, at the times and places of electing the governor and lieutenant-governor, and shall hold his office during the term of the governor. Each of the officers in this article named, excepting the speaker of the assembly, shall at stated times during his continuance in office, receive for his services a compensation which shall not be increased or diminished during the term for which he shall have been [elected] appointed; nor shall he receive to his use any fees or perquisites of office or other compensation. No person shall be [elected] appointed to the office of state engineer and surveyor who is not a practical civil engineer.

Art. 5, § 2.* (This concurrent resolution also included a proposal to repeal this section.)

1910. A. No. 415 (Int. 395).

A. J. 167, 3263, 3273, 3329, 3397.

1911. A. No. 207 (Int. 206).

A. J. 111.

Art. 5, § 1. The secretary of state, [comptroller,] treasurer, attorney-general and state engineer and surveyor shall be [chosen at a general election, at the time and places of electing the governor and lieutenant-governor, and shall hold their office for two years, except as provided in section two of this article.] *appointed by the governor and be removable at his pleasure, and unless sooner removed by the governor each shall hold his office until the end of the term of the governor by whom he was appointed and until his successor is appointed and qualified. The comptroller shall be chosen at a general election, at the times and places of electing the governor and lieutenant-governor, and shall hold his office during the term of the governor. Each of the officers in this article named, excepting the speaker of the assembly, shall, at stated times during his continuance in office, receive for his services a compensation which shall not be increased or diminished during the term for which he shall have been elected or appointed; nor shall he receive to his use any fees or perquisites of office or other compensation. No person shall be elected or appointed to the office of state engineer and surveyor who is not a practical civil engineer.*

* For Art. 5, § 2, see p. 88.

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Art. 5, § 2.* (This concurrent resolution also included a proposal to repeal this section.)

1911. A. No. 762 (Int. 700).

A. J. 447.

Art. 5, § 1. The secretary of state, comptroller, treasurer, attorney-general and state engineer and surveyor shall *after December thirty-first, nineteen hundred and sixteen*, be [chosen at a general election, at the times and places of electing the governor and lieutenant-governor, and shall hold their office for two years, except as provided in section two of this article] *appointed by the governor and be removable at his pleasure, and unless sooner removed by the governor each shall hold his office until the end of the term of the governor by whom he was appointed and until his successor shall be appointed and shall have qualified. Such officers in office when this amendment takes effect shall continue in office until the expiration of the terms for which they shall have been elected, respectively.* Each of the officers in this article named, excepting the speaker of the assembly, shall, at stated times during his continuance in office, receive for his services a compensation which shall not be increased or diminished during the term for which he shall have been elected *or appointed*; nor shall he receive to his use any fees or perquisites of office or other compensation. No person shall be [elected] *appointed* to the office of state engineer and surveyor who is not a practical civil engineer.

Art. 5, § 2.* (This concurrent resolution also included a proposal to repeal this section.)

1913. S. No. 185 (Int. 183). (Same as A. No. 283.)

S. J. 54.

A. No. 283 (Int. 279). (Same as S. No. 185.)

A. J. 90.

Art. 5, § 1. The [secretary of state,] comptroller[, treasurer, attorney-general and state engineer and surveyor,] shall be chosen at a general election, at the times and places of electing the governor and lieutenant-governor and shall hold [their] *his* office[s] for two years[, except as provided in section two of this article]. *The secretary of state, treasurer, attorney-general and state engineer and surveyor shall be appointed by the governor and shall hold their offices during the governor's pleasure. Each*

* For Art. 5, § 2, see p. 88.

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of the officers in this article named, excepting the speaker of the assembly, shall, at stated times during his continuance in office, receive for his services a compensation which shall not be increased or diminished during the term for which he shall have been elected or appointed; nor shall he receive to his use any fees or perquisites of office or other compensation. No person shall be [elected] appointed to the office of state engineer and surveyor who is not a practical civil engineer.

Art. 5, § 2. The first [election] appointment of the secretary of state, [comptroller,] treasurer, attorney-general and state engineer and surveyor, pursuant to this article, shall be [held in the year one thousand eight hundred and ninety-five, and their terms of office shall begin on the first day of January following, and shall be for three years. At the general election in the year one thousand eight hundred and ninety-eight, and every two years thereafter, their successors shall be chosen for the term of two years.] *made by the governor chosen at the general election in the year one thousand nine hundred and sixteen.*

1913. S. No. 1240 (Int. 1082). (Same as A. No. 1611.)

S. J. 466.

A. No. 1611 (Int. 1455). (Same as S. No. 1240.)

A. J. 776.

Art. 4, § 4. The governor shall be commander-in-chief of the military and naval forces of the state. He shall have power to convene the legislature, or the senate only, on extraordinary occasions. At extraordinary sessions no subject shall be acted upon, except such as the governor may recommend for consideration. He shall communicate by message to the legislature at every session the condition of the state, and recommend such matters to it as he shall judge expedient. He shall transact all necessary business with the officers of government, civil and military. He shall expedite all such measures as may be resolved upon by the legislature, and shall take care that the laws are faithfully executed. *He may at any time remove from office any state officer appointed by a governor of New York state or by the head of any state department, bureau or commission, other than a judicial officer or an officer appointed by the legislature or by either house thereof, the method of whose removal is not elsewhere prescribed in this constitution; but unless he be authorized by law to remove any such officer at his pleasure, the governor shall in each case give to the officer removed a statement in writing of the reasons for*

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his removal and an opportunity to be heard in his own behalf. He shall receive for his services an annual salary of ten thousand dollars, and there shall be provided for his use a suitable and furnished executive residence.

Art. 5, § 1. The secretary of state, comptroller, treasurer, attorney-general [and], state engineer and surveyor, *superintendent of public works and superintendent of state prisons* shall be [chosen at a general election, at the times and places of electing the governor and lieutenant-governor and shall hold their offices for two years, except as provided in section two of this article.] *appointed by the governor and shall hold their offices during the governor's pleasure, provided that the governor shall have power to remove the comptroller only after giving him a statement in writing of the reasons for such removal and an opportunity to be heard in his own behalf.* Each of the officers [in this article] named[, excepting the speaker of the assembly,] *in this section* shall, at stated times [during his continuance in office], receive for his services a compensation which shall not be [increased or] diminished during [the term for which he shall have been elected] *his continuance in office, and shall give security in such amount, and with such sureties, as shall be required by law for the faithful discharge of his duties; nor shall he receive to his use any fees or perquisites of office or other compensation. No person shall be [elected] appointed to the office of state engineer and surveyor who is not a practical civil engineer.*

Art. 5, § 2. The first [election of the secretary of state, comptroller,* attorney-general and state engineer and surveyor,] *appointment, pursuant to this article, of the officers named in section one thereof* shall be [held in the year one thousand eight hundred and ninety-five, and their terms of office shall begin on the first day of January following, and shall be for three years. At the general election in the year one thousand eight hundred and ninety-eight, and every two years thereafter, their successors shall be chosen for the term of two years.] *made by the governor chosen at the general election in the year nineteen hundred and fourteen, but the superintendent of state prisons who shall be in office on the first day of January in the year nineteen hundred and fifteen shall, unless sooner removed by the governor, hold office for the full term for which he shall have been appointed.*

* Word "treasurer" as in original constitution omitted evidently by mistake.

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(This concurrent resolution also included a proposal to repeal §§ 3, 4 and 7 of Art. 5 and to renumber §§ 5, 6, 8, and 9 as §§ 3, 4, 5 and 6 respectively.)

Art. 8, § 12. The members of the said board and of the said commission shall be appointed by the governor, by and with the advice and consent of the senate; and any member may be removed from office by the governor [for cause], *a statement in writing having been furnished him of the reasons for his removal and an opportunity having been given him to be heard in his [defense] own behalf.*

Art. 10, § 9. No officer whose salary is fixed by the constitution shall receive any additional compensation. Each of the other state officers named in the constitution *who shall have been appointed or elected for a fixed term* shall, during his continuance in office, receive a compensation to be fixed by law, which shall not be increased or diminished during the term for which he shall have been elected or appointed; nor shall he receive to his use any fees or perquisites of office or other compensation.

Art. 11, § 4. The governor shall appoint the chiefs of the several staff departments, his aides-de-camp and military secretary, all of whom shall hold office during his pleasure, their commissions to expire with the term for which the governor shall have been elected; he shall also [nominate, and with the consent of the senate] appoint[,] all major-generals.

Art. 11, § 6. The commissioned officers shall be commissioned by the governor as commander-in-chief. No commissioned officer shall be removed from office during the term for which he shall have been appointed or elected, unless [by the senate on the recommendation of the governor, stating the grounds on which such removal is recommended, or] by the sentence of a court-martial, or upon the findings of an examining board organized pursuant to law, or for absence without leave for a period of six months or more.

1911. S. No. 2240 (Int. 1657).

S. J. 2237, 2277.

1912. S. No. 192 (Int. 189). (Same as A. No. 197.)

S. J. 49.

A. No. 197 (Int. 195). (Same as S. No. 192.)

A. J. 66, 941, 1033, 1460.

1913. S. No. 344 (Int. 337). (Same as A. No. 540.)

S. J. 88.

A. No. 540 (Int. 526). (Same as S. No. 344.)

A. J. 172, 2007.

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Art. 4, § 4. The governor shall be commander-in-chief of the military and naval forces of the state. He shall have power to convene the legislature, or the senate only, on extraordinary occasions. At extraordinary sessions no subject shall be acted upon, except such as the governor may recommend for consideration. He shall communicate by message to the legislature at every session the condition of the state, and recommend such matters to it as he shall judge expedient. He shall transact all necessary business with the officers of government, civil and military. He shall expedite all such measures as may be resolved upon by the legislature, and shall take care that the laws are faithfully executed. *He may at any time remove from office any state officer appointed by a governor of the state or by the head of any state department, bureau or commission, other than a judicial officer or an officer appointed by the legislature or by either house thereof, the method of whose removal is not elsewhere prescribed in this constitution; but unless he be authorized by law to remove any such officer at his pleasure, the governor shall in each case give to the officer removed a statement in writing of the reasons for his removal and an opportunity to be heard in his own behalf.* He shall receive for his services an annual salary of ten thousand dollars, and there shall be provided for his use a suitable and furnished executive residence.

Art. 5, § 1. The secretary of state, comptroller, treasurer, attorney-general, [and] state engineer and surveyor, *superintendent of public works and superintendent of state prisons* shall be [chosen at a general election, at the times and places of electing the governor and lieutenant-governor and shall hold their offices for two years, except as provided in section two of this article.] *appointed by the governor and shall hold their offices during the governor's pleasure, provided that the governor shall have power to remove the comptroller only after giving him a statement in writing of the reasons for such removal and an opportunity to be heard in his own behalf.* Each of the officers [in this article] named, [excepting the speaker of the assembly,] *in this section* shall, at stated times [during his continuance in office], receive for his services a compensation which shall not be [increased or] diminished during [the term for which he shall have been elected] *his continuance in office, and shall give security in such amount, and with such sureties, as shall be required by law for the faithful discharge of his duties; nor shall he receive to his*

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use any fees or perquisites of office or other compensation. No person shall be [elected] *appointed* to the office of state engineer and surveyor who is not a practical civil engineer.

Art. 5, § 2. The first [election of the secretary of state, comptroller, treasurer, attorney-general and state engineer and surveyor,] *appointment*, pursuant to this article, *of the officers named in section one thereof* shall be [held in the year one thousand eight hundred and ninety-five, and their terms of office shall begin on the first day of January, following, and shall be for three years. At the general election in the year one thousand eight hundred and ninety-eight, and every two years thereafter, their successors shall be chosen for the term of two years.] *made by the governor chosen at the general election in the year nineteen hundred and sixteen, but the superintendent of state prisons who shall be in office on the first day of January in the year nineteen hundred and seventeen shall, unless sooner removed by the governor, hold office for the full term of which he shall have been appointed.*

(This concurrent resolution also included a proposal to repeal §§ 3, 4 and 7 of Art. 5 and to renumber §§ 5, 6, 8 and 9 as §§ 3, 4, 5 and 6, respectively.)

Art. 8, § 12. The members of the said board and of the said commissions shall be appointed by the governor, [by and with the advice and consent of the senate]; and any member may be removed from office by the governor [for cause], *a statement in writing having been furnished him of the reasons for his removal and an opportunity having been given him to be heard in his [defense] own behalf.*

Art. 10, § 9. No officer whose salary is fixed by the constitution shall receive any additional compensation. Each of the other state officers named in the constitution *who shall have been appointed or elected for a fixed term* shall, during his continuance in office, receive a compensation to be fixed by law, which shall not be increased or diminished during the term for which he shall have been elected or appointed; nor shall he receive to his use any fees or perquisites of office or other compensation.

Art. 11, § 4. The governor shall appoint the chiefs of the several staff departments, his aides-de-camp and military secretary, all of whom shall hold office during his pleasure, their commissions to expire with the term for which the governor shall have been elected; he shall also [nominate, and with the consent of the senate] appoint[,] all major-generals.

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Art. 11, § 6. The commissioned officers shall be commissioned by the governor as commander-in-chief. No commissioned officer shall be removed from office during the term for which he shall have been appointed or elected, unless [by the senate on the recommendation of the governor, stating the grounds on which such removal is recommended, or] by the sentence of a court-martial, or upon the findings of an *examination* [examining] board organized pursuant to law, or for absence without leave for a period of six months or more.

1914. A. No. 278 (Int. 278). (Same as A. No. 372.)

A. J. 106.

A. No. 372 (Int. 370). (Same as A. No. 278.)

A. J. 143.

Art. 4, § 4. The governor shall be commander-in-chief of the military and naval forces of the state. He shall have power to convene the legislature, or the senate only, on extraordinary occasions. At extraordinary sessions no subject shall be acted upon, except such as the governor may recommend for consideration. He shall communicate by message to the legislature at every session the condition of the state and recommend such matters to it as he shall judge expedient. He shall transact all necessary business with the officers of government, civil and military. He shall expedite all such measures as may be resolved upon by the legislature, and shall take care that the laws are faithfully executed. *He may at any time remove from office any state officer appointed by a governor of the state or by the head of any state department, bureau or commission, other than a judicial officer or an officer appointed by the legislature or by either house thereof, the method of whose removal is not elsewhere prescribed in this constitution; but unless he be authorized by law to remove any such officer at his pleasure, the governor shall in each case give to the officer removed a statement in writing of the reasons for his removal and an opportunity to be heard in his own behalf.* He shall receive for his services an annual salary of ten thousand dollars, and there shall be provided for his use a suitable and furnished executive residence.

Art. 5, § 1. The [secretary of state,] *comptroller[, treasurer, attorney-general and state engineer and surveyor] shall be chosen at a general election, at the times and places of electing the governor and lieutenant-governor and shall hold [their] *his*

* So in original.

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office[s] for two years, except as provided in section two of this article. *The secretary of state, treasurer, attorney-general and engineer and surveyor shall be appointed by the governor and shall hold office until the end of the term of the governor by whom they were nominated, and until his successor is appointed and qualifies.* Each of the officers in this article named, except the speaker of the assembly shall, at stated times during his continuance in office, receive for his services a compensation that shall not be [increased or] diminished during [the term for which he shall have been elected] *his continuance in office, and shall give security in such amount, and with such sureties, as shall be required by law for the faithful discharge of his duties;* nor shall he receive to his use any fee or perquisites of office or other compensation. No person shall be [elected] appointed to the office of state engineer and surveyor who is not a practical civil engineer.

Art. 5, § 2. The first election of the [secretary of state] comptroller[, treasurer, attorney-general and state engineer and surveyor,] pursuant to this article, shall be held in the year one thousand eight hundred and ninety-five, and [their] *his* term[s] of office shall begin on the first day of January, following, and shall be for three years. At the general election in the year one thousand eight hundred and ninety-eight, and every two years thereafter, [their] *his* successor[s] shall be chosen for the term of two years. *The first appointment, of the officers named, in section one, shall be made by the governor chosen at the general election in the year one thousand nine hundred and sixteen.*

(This concurrent resolution also included a proposal to repeal § 7 of Art. 5 and to renumber §§ 8 and 9 as §§ 7 and 8, respectively.)

Art. 10, § 9. No officer whose salary is fixed by the constitution shall receive any additional compensation. Each of the other state officers named in the constitution *who shall have been appointed or elected for a fixed term* shall, during his continuance in office, receive a compensation to be fixed by law which shall not be [increased or] diminished during the term for which he shall have been elected **or appointed*; nor shall he receive to his use any fees or perquisites of office or other compensation.

1914. A. No. 1414 (Int. 1280).

A. J. 795.

* So in original.

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Art. 4, § 4. The governor shall be commander-in-chief of the military and naval forces of the state. He shall have power to convene the legislature, or the senate only, on extraordinary occasions. At extraordinary sessions no subject shall be acted upon, except such as the governor may recommend for consideration. He shall communicate by message to the legislature at every session the condition of the state, and recommend such matters to it as he shall judge expedient. He shall transact all necessary business with the officers of government, civil and military. He shall expedite all such measures as may be resolved upon by the legislature, and shall take care that the laws are faithfully executed. *He may at any time remove from office any state officer appointed by a governor of the state or by the head of any state department, bureau or commission, other than a judicial officer or an officer appointed by the legislature or by either house thereof, the method of whose removal is not elsewhere prescribed in this constitution; but unless he be authorized by law to remove any such officer at his pleasure, the governor shall in each case give to the officer removed a statement in writing of the reasons for his removal and an opportunity to be heard in his own behalf.* He shall receive for his services an annual salary of ten thousand dollars, and there shall be provided for his use a suitable and furnished executive residence.

Art. 5, § 1. The secretary of state, [comptroller,] treasurer, attorney-general [and], state engineer and surveyor, *superintendent of public works and superintendent of state prisons* shall be [chosen at a general election, at the times and places of electing the governor and lieutenant-governor and shall hold their offices for two years, except as provided in section two of this article.] *appointed by the governor, by and with the consent of the senate, and shall hold their offices during the governor's pleasure. The comptroller shall be chosen at a general election at the times and places of electing the governor and lieutenant-governor and shall hold his office for two years. The comptroller in office when this amendment takes effect shall continue in office until the expiration of his term, and his successor shall be chosen by election at the preceding election of a governor before the expiration of such term.* Each of the officers [in this article] named, [excepting the speaker of the assembly,] in this section shall, at stated times [during his continuance in office], receive for his

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services a compensation which shall not be [increased or] diminished during [the term for which he shall have been elected.] *his continuance in office, and shall give security in such amount, and with such sureties, as shall be required by law for the faithful discharge of his duties; nor shall he receive to his use any fees or perquisites of office or other compensation. No person shall be [elected] appointed to the office of state engineer and surveyor who is not a practical civil engineer.*

Art. 5, § 2. The first [election of the secretary of state, comptroller, treasurer, attorney-general and state engineer and surveyor,] *appointment, pursuant to this article, of the appointive officers named in section one thereof shall be [held in the year one thousand eight hundred and ninety-five, and their terms of office shall begin on the first day of January, following, and shall be for three years. At the general election in the year one thousand eight hundred and ninety-eight, and every two years thereafter, their successors shall be chosen for the term of two years.] made by the governor chosen at the general election in the year nineteen hundred and sixteen, but the superintendent of state prisons who shall be in office on the first day of January in the year nineteen hundred and seventeen shall, unless sooner removed by the governor, hold office for the full term of which he shall have been appointed.*

(This concurrent resolution also included a proposal to repeal §§ 3, 4 and 7 of Art. 5 and to renumber §§ 5, 6, 8 and 9 as §§ 3, 4, 5 and 6, respectively.)

Art. 8, § 12. The members of the said board and of the said commission shall be appointed by the governor, by and with the advice and consent of the senate; and any member may be removed from office by the governor [for cause], *a statement in writing having been furnished him of the reasons for his removal and an opportunity having been given him to be heard in his [defense] own behalf.*

Art. 10, § 9. No officer whose salary is fixed by the constitution shall receive any additional compensation. Each of the other state officers named in the constitution *who shall have been appointed or elected for a fixed term shall, during his continuance in office, receive a compensation to be fixed by law, which shall not be increased or diminished during the term for which he shall have been elected or appointed; nor shall he receive to his use any fees or perquisites of office or other compensation.*

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Art. 11, § 4. The governor shall appoint the chiefs of the several staff departments, his aides-de-camp and military secretary, all of whom shall hold office during his pleasure, their commissions to expire with the term for which the governor shall have been elected; he shall also [nominate, and with the consent of the senate] appoint[,] all major-generals.

Art. 11, § 6. The commissioned officers shall be commissioned by the governor as commander-in-chief. No commissioned officer shall be removed from office during the term for which he shall have been appointed or elected, unless [by the senate on the recommendation of the governor, stating the grounds on which such removal is recommended, or] by the sentence of a court-martial, or upon the findings of an examining board organized pursuant to law, or for absence without leave for a period of six months or more.

1914. S. No. 1585 (Int. 3184).
S. J. 102, 756.

9. Appointment or election of city officers and county officers in city of New York — term — removal

Art. 10, § 1. Sheriffs, clerks of counties, district attorneys and registers in counties having registers, shall be chosen by the electors of the respective counties, once in every three years and as often as vacancies shall happen, except in [the] counties *in the city* of New York [and Kings, and in counties whose boundaries are the same as those of a city, where such officers shall be chosen by the electors once in every two or four years as the legislature shall direct]. Sheriffs shall hold no other office and be ineligible for the next term after the termination of their offices. They may be required by law to renew their security, from time to time; and in default of giving such new security, their offices shall be deemed vacant. But the county shall never be made responsible for the acts of the sheriff. The governor may remove any officer, in this section mentioned, within the term for which he shall have been elected; giving to such officer a copy of the charges against him, and an opportunity of being heard in his defense.

Art. 10, § 2. All county officers whose election or appointment is not provided for by this constitution, shall be elected by the electors of the respective counties or appointed by the boards of supervisors, or other county authorities, as the legislature shall direct. All [city,] town and village officers, whose election or appointment is not provided for by this constitution, shall be elected

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by the electors of such [cities,] towns and villages, or of some division thereof, or appointed by such authorities thereof, as the legislature shall designate for that purpose. *The mayor, members of the board of aldermen or common council or other legislative governing body, and supervisors of every city, and judges or justices of inferior city courts which have heretofore been chosen by election, shall continue to be elected by the electors of the city or proper division thereof. All other officers of the city, or of a division thereof, shall hereafter be appointed by the mayor; and in the city of New York all county officers, except judicial officers, shall be appointed in like manner. City and county officers appointed by the mayor under the provisions of this section shall hold office until removed by the mayor, and the mayor may remove any such officer whenever in his judgment the public interests shall so require. Such city and county officers heretofore elected for definite terms shall hold office until the expiration of such terms, but their successors shall be appointed as in this section provided.* All other officers, whose election or appointment is not provided for by this constitution, and all officers, whose offices may hereafter be created by law, shall be elected by the people, or appointed as the legislature may direct.

Art. 10, § 4. The time of electing all *elective* officers named in this article shall be prescribed by law.

Art. 12, § 3. All elections of *elective* city officers, including supervisors and judicial officers of inferior local courts, elected in any city or part of a city, [and of county officers elected in the counties of New York and Kings, and in all counties whose boundaries are the same as those of a city, except to fill vacancies,] shall be held on the Tuesday succeeding the first Monday in November in an odd-numbered year, and the term of every such officer shall expire at the end of an odd-numbered year. The terms of office of all such officers elected before the first day of January, one thousand eight hundred and ninety-five, whose successors have not then been elected, which under existing laws would expire with an even-numbered year, or in an odd-numbered year and before the end thereof, are extended to and including the last day of December next following the time when such terms would otherwise expire; the terms of office of all such officers, which under existing laws would expire in an even-numbered year, and before the end thereof, are abridged so as to expire at the end of the preceding

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year. This section shall not apply to any city of the third class, or to elections of any judicial officer, except judges and justices of inferior local courts.

1914. A. No. 277 (Int. 277).
A. J. 106.

10. Restricting legislation as to cities—municipal control of public utilities

Art. 3, § 30. (Proposal to add the following new section:) *The legislature shall itself have no power to pass any law providing, within the corporate limits of any city, for the following public services. (1) Street railways, whether surface, elevated or sub-surface; (2) sewers; (3) water; (4) gas, whether for light, fuel or other purposes; (5) electricity, whether for light, heat, power or other purposes; (6) bridges; (7) ferries; (8) docks, including warehousing and graving or any of them; but laws shall be made to effectuate section four of article twelve of this constitution provided that no law shall become effective in the premises, except as to a city or cities, the officers or bodies of which that have charge of the appropriations of its or their public funds, shall have requested or concurred in such law.*

Art. 8, § 10. (Proposal to add the following:*) *Provided that under the provision of section four of article twelve of this constitution, any city may become indebted for the purpose of investment in plant—realty, personalty or franchises of the public services enumerated by such section four or any one or more of them—to an extent in addition to ten per centum of such assessed valuation of the real estate of such city subject to taxation, equal to the amount of the indebtedness incurred for water supply and dock purposes or either of them and whether heretofore or hereafter incurred, provided, as to any portion of such additional indebtedness, so permitted, that it shall have been authorized by a majority vote of the electors of said city; provision for taking which shall be made by law.*

Art. 12, § 4. (Proposal to add the following new section:*) *Any city in the discretion of those officers or bodies in such city that have charge of the appropriation of its public funds, may provide, by direct operation or contract, for the following public services within its corporate limits, (1) street railways, whether surface,*

* For Art. 8, § 10 as proposed to be amended, see p. 200.

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elevated or subsurface; (2) sewers; (3) water; (4) gas, whether for light, fuel or other purposes; (5) electricity, whether for light, heat, power or other purposes; (6) bridges; (7) ferries; (8) docks, including warehousing and graving, or any thereof; and to that end may acquire by purchase or condemnation, such real estate, franchise rights and other property as may be needed therefor.

1904. A. No. 500 (Int. 459).
A. J. 220.

Art. 3, § 30. (Proposal to add the following new section:) *The legislature shall itself have no power to pass any law providing, within the corporate limits of any city, for the following public services, (1) street railways, whether surface, elevated or subsurface; (2) sewers; (3) water; (4) gas, whether for light, fuel or other purposes; (5) electricity, whether for light, heat or power or other purposes; (6) bridges; (7) ferries; (8) docks, including warehousing and graving; or any of them, but laws shall be made to effectuate section four of article twelve of this constitution; provided that no law shall be made in the premises, except at the request or with the concurrence of those officers or bodies of the city or cities affected that have charge of the appropriation of its or their public funds.*

Art. 12, § 4. (Proposal to add the following new section:) *Any city in the discretion of those officers or bodies in such city that have charge of the appropriation of its public funds, may provide, by direct operation or contract, for the following public services within its corporate limits, (1) street railways, whether surface, elevated or subsurface; (2) sewers; (3) water; (4) gas, whether for light, fuel or other purposes; (5) electricity, whether for light, heat, power or other purposes; (6) bridges; (7) ferries; (8) docks, including warehousing and graving; or any thereof; and to that end may acquire by purchase or condemnation such real estate, franchise rights and other property as may be needed therefor.*

1906. S. No. 13 (Int. 13). (Same as A. No. 8.)
S. J. 13.
A. No. 8 (Int. 8). (Same as S. No. 13.)

11. Municipal home rule

Art. 12, § 1. It shall be the duty of the legislature to provide for the organization of cities and incorporated villages, and to restrict

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their powers of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments, and in contracting debt by such municipal corporations.

Art. 12, § 2. [All cities are classified according to the latest state enumeration, as from time to time made, as follows: The first class includes all cities having a population of two hundred and fifty thousand or more; the second class, all cities having a population of fifty thousand and less than two hundred and fifty thousand; the third class, all other cities. Laws relating to the property, affairs and government of cities, and the several departments thereof, are divided into general and special city laws; general city laws are those which relate to all the cities of one or more classes; special city laws are those which relate to a single city, or to less than all the cities of a class.] *Subject to the limitations contained in the constitution and in such laws of the state as are applicable to all persons or all persons of a class persons throughout the state and in any law applicable to any city or cities of the state as hereafter enacted in the manner hereinafter provided, every city within the state shall be vested with power to acquire, hold, manage, control and dispose of property, to license and regulate all trades, occupations and businesses and to perform and render all public services, and with all powers of government. Every city within the state shall be vested with power to prescribe for all city employees and for all employees of contractors or of subcontractors or of others performing work for the city, the maximum number of hours in their work day and the rate of their compensation and may provide that in each occupation concerned the compensation so paid shall not be below the prevailing local rate of wages.**

Art. 12, § 3.† [Special city laws] *No law applicable to any city or cities within the state shall [not] be passed except in conformity with the provisions of this section. After any bill for a [special] city law [relating to a city] has been passed by both branches of the legislature the house in which it originated shall immediately transmit a certified copy thereof to the mayor of [such] the city or cities affected thereby, and within fifteen days thereafter the mayor shall return such bill to the house from which it was sent [or] and if the session of the legislature at which such*

* The remainder of original § 2 is contained in proposed new § 3.

† Proposed new § 3 contains part of original § 2.

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bill was passed has terminated, to the governor, with the mayor's certificate thereon, stating whether the city has or has not accepted the same. In every city [of the first class] the mayor *or such other local authority as the charter may provide* [and in every other city the mayor and the legislative body thereof concurrently] shall act for such city as to such bills.[]; but the legislature may provide for the concurrence of the legislative body in cities of the first class.] The legislature shall provide for a public notice and an opportunity for a public hearing concerning any such bill in every city to which it relates, before action thereon. Such a bill, if it relates to more than one city, shall be transmitted to the mayor of each city to which it relates, and shall not be deemed accepted unless accepted as herein provided by every such city. Whenever any such bill is accepted, as herein provided, it shall be subject, as are other bills, to the action of the governor. Whenever, during the session at which it [was] *is passed*, any such bill is returned without the acceptance of the city or cities to which it relates, or within such fifteen days is not returned, it may nevertheless again be passed by both branches of the legislature, *by the affirmative vote of two-thirds of all the members of each such branch of the legislature*, and it shall then be subject, as are other bills, to the action of the governor. In every [special] city law which has been accepted by the city or cities to which it relates the title shall be followed by the words "accepted by the city of," or "cities of," as the case may be; in every such law which is passed without such acceptance, by the words "passed without the acceptance of the city of," or "cities of," as the case may be.

Art. 12, § 4. (Proposal to add the following new section:)
Subject to the limitations contained in the constitution and in such laws of the state as are applicable to all persons or persons of a class throughout the state and in any law applicable to any city or cities of the state as hereafter enacted in the manner hereinbefore provided, any city may adopt its own charter in the following manner: The legislative body of any city may, and, on a petition therefor, filed in the office of the mayor, signed by qualified voters of the city equal in number to two per centum of those voting at the last preceding election, must provide by ordinance for an election to take place not less than thirty days nor more than ninety

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days thereafter, of a board of not less than ten nor more than thirty members to prepare and propose a charter for such city. It shall be the duty of said board within one year thereafter to prepare and propose a charter for such city, which shall be signed in duplicate by the members thereof or a majority of them, and returned, one copy thereof to the mayor, and the other to the secretary of state. Such proposed charter shall then be published daily in two papers of general circulation in such city for at least ten days, and within not less than thirty days and not more than ninety days after such publication, shall be submitted to the qualified voters of such city at a special or general municipal election, and the legislative body of said city shall provide by ordinance for the holding of such special election unless a general municipal election shall be held within the time hereinbefore prescribed. If a majority of the qualified voters of the city voting thereon shall ratify the same, it shall thereafter be submitted to the legislature for its approval or rejection as a whole without power of alteration or amendment. Such approval may be made by a concurrent resolution, and if approved by a majority vote of the members of each house, it shall, upon the first day of January next succeeding the date of approval, become the charter of such city and the organic law thereof, and shall supersede and repeal all laws inconsistent therewith except laws applicable to all persons or classes of persons throughout the state, and shall repeal any existing charter and all amendments thereof, provided however, that until the said first day of January all laws affecting said city shall remain in full force and effect. A copy of such charter duly certified by the mayor of such city, setting forth its submission to the legally qualified voters of the city and its ratification by them, shall be made in duplicate, and deposited, one in the office of the secretary of state, and the other among the archives of the city. The charter so adopted may be amended at intervals of not less than two years by proposals therefor which the legislative body of said city may submit at the next city election, held at least sixty days after the adoption of the proposed amendments. When requested by a petition filed in the office of the mayor, signed by qualified voters of said city equal in number to two per centum of those voting at the last preceding city election, the legislative body of said city must submit, at intervals of not less than two years, at the next city election, the amendments proposed in the petition. Each such proposed amendment before

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it goes into effect must be ratified by a majority of the qualified voters voting thereon and approved by the legislature as herein provided for the adoption of the charter. In submitting any such proposal any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

Art. 12, § 5.* All elections of city officers, including supervisors and judicial officers of inferior local courts, elected in any city or part of a city, and of county officers elected in the counties of New York and Kings, and in all counties whose boundaries are the same as those of a city, except to fill vacancies, shall be held on the Tuesday succeeding the first Monday in November in an odd-numbered year, and the term of every such officer shall expire at the end of an odd-numbered year. The terms of office of all such officers elected before the first day of January, one thousand eight hundred and ninety-five, whose successors have not then been elected, which under existing laws would expire with an even-numbered year, or in an odd-numbered year and before the end thereof, are extended to and including the last day of December next following the time when such terms would otherwise expire; the terms of office of all such officers, which under existing laws would expire in an even-numbered year, and before the end thereof, are abridged so as to expire at the end of the preceding year. This section shall not apply to any city of the third class, or to elections of any judicial officer, except judges and justices of inferior local courts.

1904. S. No. 1127 (Int. 852). (Same as A. No. 1773.)
S. J. 888.

A. No. 1773 (Int. 1277). (Same as S. No. 1127.)
A. J. 1640.

Art. 12, § 1. It shall be the duty of the legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments, and in contracting debt by such municipal corporations, and the legislature may regulate and fix the wages or salaries, the hours of work or labor, and make provision for the protection, welfare and safety of persons employed by the state or by any county, city, town, village or other civil division of the

* Proposed new § 5 is identical with original § 3.

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state, or by any contractor or subcontractor performing work, labor or services for the state, or for any county, city, town, village or other civil division thereof].

Art. 12, § 2. All cities are classified according to the latest state enumerations, as from time to time made, as follows: The first class includes all cities having a population of two hundred and fifty thousand or more; the second class, all cities having a population of fifty thousand and less than two hundred and fifty thousand; the third class, all other cities. [Laws relating to the property, affairs [or] and government of cities, and the several departments thereof, are divided into general and special city laws; general city laws are those which relate to all the cities of one or more classes; special city laws are those which relate to a single city, or to less than all the cities of a class.] Subject to the limitations contained in the constitution and in such laws of the state as are applicable to all persons or all persons of a class, throughout the state and in any law applicable to any city or cities of the state as hereafter enacted in the manner hereinafter provided, every city within the state shall, by the adoption of a charter as hereinafter provided, be and become vested with power to acquire, hold, manage, control and dispose of property, to license and regulate all trades, occupations and businesses and to perform and render all public services, and with all powers of municipal government; also with power to prescribe for all city employees and for all employees of contractors or of subcontractors or of others performing work for the city, the maximum number of hours in their workday and the rate of their compensation, and may provide that in each occupation concerned the compensation so paid shall not be below the prevailing local rate of wages.*

Art. 12, § 3.† [Special city laws] *No law applicable to any city or cities within the state shall [not] be passed except in conformity with the provisions of this section. After any bill for a [special] city law [relating to a city] has been passed by both branches of the legislature, the house in which it originated shall immediately transmit a certified copy thereof to the mayor of [such] the city or cities affected thereby, and within fifteen days thereafter the mayor shall return such bill to the house from which*

* The remainder of original § 2 is contained in proposed new § 3.

† Proposed new § 3 contains part of original § 2.

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it was sent [or] *and* if the session of the legislature at which such bill was passed has terminated, to the governor, with the mayor's certificate thereon, stating whether the city has or has not accepted the same. In every city [of the first class] the mayor *or such other local authority as the charter may provide* [and in every other city the mayor and the legislative body thereof concurrently] shall act for such city as to such bill; [but the legislature may provide for the concurrence of the legislative body in cities of the first class.] The legislature shall provide for a public notice and *an* opportunity for a public hearing concerning any such bill in every city to which it relates, before action thereon. Such a bill, if it relates to more than one city, shall be transmitted to the mayor of each city to which it relates, and shall not be deemed accepted unless accepted as herein provided by every such city. Whenever any such bill is accepted, as herein provided, it shall be subject, as are other bills, to the action of the governor. Whenever, during the session at which it is passed, any such bill is returned without the acceptance of the city or cities to which it relates, or within such fifteen days is not returned, it may nevertheless again be passed by both branches of the legislature, *by the affirmative vote of two-thirds of all the members of each such branch of the legislature*, and it shall then be subject, as are other bills, to the action of the governor. In every [special] city law which has been accepted by the city or cities to which it relates the title shall be followed by the words "Accepted by the city of," or "cities of," as the case may be; in every such law which is passed without such acceptance, by the words "Passed without the acceptance of the city of," or "cities of," as the case may be.

Art. 12, § 4. Proposal to add the following new section:)
Subject to the limitations contained in the constitution and in such laws of the state as are applicable to all persons or all persons of a class throughout the state and in any law applicable to any city or cities of the state as hereafter enacted in the manner hereinbefore provided, any city may adopt its own charter and successive charters at intervals of not less than two years, in the following manner: The legislative body of any city may, and, on a petition therefor, filed in the office of the mayor, signed by qualified voters of the city equal in number to two per centum of those voting at the last preceding election, must provide by

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ordinance for an election by the qualified voters of the city to take place not less than thirty days nor more than ninety days thereafter, of a board of not less than ten nor more than thirty members who shall be qualified electors of the city, to prepare and propose a charter for such city. It shall be the duty of said board within one year thereafter to prepare and propose a charter for such city, which shall be signed in duplicate by the members thereof or a majority of them, and returned, one copy thereof to the mayor, and the other to the secretary of state. Such proposed charter shall then be published daily in two papers of general circulation in such city for at least ten days, and within not less than thirty days and not more than ninety days after such publication, shall be submitted to the qualified voters of such city at a special or general municipal election, and the legislative body of said city shall provide by ordinance for the holding of such special election unless a general municipal election shall be held within the time hereinbefore prescribed. If a majority of the qualified voters of the city voting thereon shall ratify the same, it shall thereafter be submitted to the legislature for its approval or rejection as a whole without power of alteration or amendment. Such approval may be made by a concurrent resolution, and if approval by a majority vote of the members of each house, it shall upon the first day of January next succeeding the date of approval, become the charter of such city and the organic law thereof, and shall supersede and repeal all laws inconsistent therewith except laws applicable to all persons or classes of persons throughout the state, and shall repeal any existing charter and all amendments thereof, provided however, that until the said first day of January all laws affecting said city shall remain in full force and effect. A copy of such charter duly certified by the mayor of such city, setting forth its submission to the legally qualified voters of the city and its ratification by them, shall be made in duplicate, and deposited, one in the office of the secretary of state, and the other among the archives of the city. The charter so adopted may be amended at intervals of not less than two years by proposals therefor which the legislative body of said city may submit at the next city election, held at least sixty days after the adoption of an ordinance proposing such amendments. When requested by a petition filed in the office of the mayor, signed by qualified voters of said city equal in number to

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two per centum of those voting at the last preceding city election, the legislative body of said city must submit, at intervals of not less than two years, at the next city election, the amendments proposed in the petition. Each such proposed amendment before it goes into effect must be ratified by a majority of the qualified voters voting thereon and approved by the legislature as herein provided for the adoption of the charter. In submitting any such proposal any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

Art. 12, § 5.* All elections of city officers, including supervisors and judicial officers of inferior local courts elected in any city, or part of a city, and of county officers elected in the counties of New York and Kings, and in all counties whose boundaries are the same, as those of a city, except to fill vacancies, shall be held on the Tuesday succeeding the first Monday in November in an odd-numbered year, and the term of every such officer shall expire at the end of an odd-numbered year. The terms of office of all such officers elected before the first day of January, one thousand eight hundred and ninety-five, whose successors have not then been elected, which under existing laws would expire with an even-numbered year, or in an odd-numbered year and before the end thereof, are extended to and including the last day of December next following the time when such terms would otherwise expire; the terms of office of all such officers, which under existing laws would expire in an even-numbered year, and before the end thereof, are abridged so as to expire at the end of the preceding year. This section shall not apply to any city of the third class, or to elections of any judicial officer, except judges and justices of inferior local courts.

1905. S. No. 140 (Int. 140).
S. J. 59.

Art. 12, § 1. It shall be the duty of the legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments, and in contracting debt by such municipal corporations.

* Proposed new § 5 is identical with original § 3.

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Art. 12, § 2. All cities are classified according to the latest state enumerations, as from time to time made, as follows: The first class includes all cities having a population of two hundred and fifty thousand or more; the second class, all cities having a population of fifty thousand and less than two hundred and fifty thousand; the third class, all other cities. [Laws relating to the property, affairs [or] and government of cities, and the several departments thereof, are divided into general and special city laws; general city laws are those which relate to all the cities of one or more classes; special city laws are those which relate to a single city, or to less than all the cities of a class.] *Subject to the limitations contained in the constitution and in such laws of the state as are applicable to all persons or all persons of a class, throughout the state and in any law applicable to any city or cities of the state as hereafter enacted in the manner hereinafter provided, every city within the state shall, by the adoption of a charter as hereinafter provided, be and become vested with power to acquire, hold, manage, control and dispose of property, to license and regulate all trades, occupations and businesses and to perform and render all public services, and with all powers of municipal government; also with power to prescribe for all city employees and for all employees of contractors or of sub-contractors or of others performing work for the city, the maximum number of hours in their work-day and the rate of their compensation, and may provide that in each occupation concerned the compensation so paid shall not be below the prevailing local rate of wages.**

Art. 12, § 3.† [Special city laws] *No law applicable to any city or cities within the state shall [not] be passed except in conformity with the provisions of this section. After any bill for a [special] city law [relating to a city] has been passed by both branches of the legislature, the house in which it originated shall immediately transmit a certified copy thereof to the mayor of [such] the city or cities affected thereby, and within fifteen days thereafter the mayor shall return such bill to the house from which it was sent [or] and if the session of the legislature at which such bill was passed has terminated, to the governor with the mayor's certificate thereon, stating whether the city has or has not*

* The remainder of original § 2 is contained in proposed new § 3.

† Proposed new § 3 contains part of original § 2.

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accepted the same. In every city [of the first class] the mayor or such other local authority as the charter may provide [and in every other city the mayor and the legislative body thereof concurrently] shall act for such city as to such bill; [but the legislature may provide for the concurrence of the legislative body in cities of the first class.] The legislature shall provide for a public notice and an opportunity for a public hearing concerning any such bill in every city to which it relates, before action thereon. Such a bill, if it relates to more than one city, shall be transmitted to the mayor of each city to which it relates, and shall not be deemed accepted unless accepted as herein provided, by every such city. Whenever any such bill is accepted, as herein provided, it shall be subject, as are other bills, to the action of the governor. Whenever, during the session at which it [was] is passed, any such bill is returned without the acceptance of the city or cities to which it relates, or within such fifteen days is not returned, it may nevertheless again be passed by both branches of the legislature, by the affirmative vote of two-thirds of all the members of each such branch of the legislature, and it shall then be subject, as are other bills, to the action of the governor. In every [special] city law which has been accepted by the city or cities to which it relates the title shall be followed by the words Accepted by the city of, or cities of, as the case may be; in every such law which is passed without such acceptance, by the words Passed without the acceptance of the city of, or cities of, as the case may be.

Art. 12, § 4. (Proposal to add the following new section:) *Subject to the limitations contained in the constitution and in such laws of the state as are applicable to all persons or all persons of a class throughout the state and in any law applicable to any city or cities of the state as hereafter enacted in the manner hereinbefore provided, any city may adopt its own charter and successive charters at intervals of not less than two years, in the following manner: The legislative body of any city may, and, on a petition therefor, filed in the office of the mayor, signed by qualified voters of the city equal in number to two per centum of those voting at the last preceding election, must provide by ordinance for an election by the qualified voters of the city to take place not less than thirty days nor more than ninety days*

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thereafter, of a board of not less than ten nor more than thirty members who shall be qualified electors of the city, to prepare and propose a charter for such city. It shall be the duty of said board within one year thereafter to prepare and propose a charter for such city, which shall be signed in duplicate by the members thereof or a majority of them, and returned, one copy thereof to the mayor, and the other to the secretary of state. Such proposed charter shall then be published daily in two papers of general circulation in such city for at least ten days, and within not less than thirty days and not more than ninety days after such publication, shall be submitted to the qualified voters of such city at a special or general municipal election, and the legislative body of said city shall provide by ordinance for the holding of such special election unless a general municipal election shall be held within the time hereinbefore prescribed. If a majority of the qualified voters of the city voting thereon shall ratify the same, it shall thereafter be submitted to the legislature for its approval or rejection as a whole without power of alteration or amendment. Such approval may be made by a concurrent resolution, and if approved by a majority vote of the members of each house, it shall upon the first day of January next succeeding the date of approval, become the charter of such city and the organic law thereof, and shall supersede and repeal all laws inconsistent therewith except laws applicable to all persons or classes of persons throughout the state, and shall repeal any existing charter and all amendments thereof, provided however, that until the said first day of January all laws affecting said city shall remain in full force and effect. A copy of such charter duly certified by the mayor of such city, setting forth its submission to the legally qualified voters of the city and its ratification by them, shall be made in duplicate, and deposited, one in the office of the secretary of state, and the other among the archives of the city. The charter so adopted may be amended at intervals of not less than two years by proposals therefor which the legislative body of said city may submit at the next city election, held at least sixty days after the adoption of an ordinance proposing such amendments. When requested by a petition filed in the office of the mayor, signed by qualified voters of said city equal in number to two per centum of those voting at the last preceding city election, the legislative body of said city must submit, at intervals of not less

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than two years, at the next city election, the amendments proposed in the petition. Each such proposed amendment before it goes into effect must be ratified by a majority of the qualified voters voting thereon and approved by the legislature as herein provided for the adoption of the charter. In submitting any such proposal any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

Art. 12, § 5.* All elections of city officers, including supervisors and judicial officers of inferior local courts elected in any city, or part of a city, and of county officers elected in the counties of New York and Kings, and in all counties whose boundaries are the same as those of a city, except to fill vacancies, shall be held on the Tuesday succeeding the first Monday in November in an odd-numbered year, and the term of every such officer shall expire at the end of an odd-numbered year. The terms of office of all such officers elected before the first day of January, eighteen hundred and ninety-five, whose successors have not then been elected, which under existing laws would expire with an even-numbered year, or in an odd-numbered year and before the end thereof, are extended to and including the last day of December next following the time when such terms would otherwise expire; the terms of office of all such officers, which under existing laws would expire in an even-numbered year, and before the end thereof, are abridged so as to expire at the end of the preceding year. This section shall not apply to any city of the third class, or to elections of any judicial officer, except judges and justices of inferior local courts.

1905. A. No. 112 (Int. 112).

A. J. 59.

Art. 12, § 1. It shall be the duty of the legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debt by such municipal corporations[;], *by the passage of general laws applicable alike to all cities or to all incorporated villages, and the legislature shall not pass any special or local bill affecting the municipal government of a city or incorporated village. Nor shall the legislature*

* Proposed new § 5 is identical with original § 3.

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provide for the filling of any municipal office now existing, or hereafter to be created, other than by an election by the electors within such municipality, or by appointment by a duly elected officer of such municipality. The people of every city and incorporated village shall have the power to organize their own municipal government and to administer the same for municipal purposes, subject only to such general laws as the legislature may enact. But every existing law affecting the municipal government of a city or incorporated village shall remain in full force and effect until a bill to amend or repeal such law shall have been submitted to the people of the city or incorporated village affected by such law, at a general election, and shall have been voted for by a majority of the qualified electors of such city or incorporated village voting at such election. And the legislature shall pass a general law providing for the organization of their municipal governments by the people of all cities and incorporated villages, and for the preparation and adoption by the municipal authorities of cities or incorporated villages of bills for new municipal laws, and bills for the amending or repeal of such existing laws, and for the submission of such bills to the people of the cities or villages to be affected thereby, at general elections, for the approval or disapproval of the electors thereof. And the legislature may regulate and fix the wages or salaries, the hours of work or labor, and make provision for the protection, welfare and safety of persons employed by the state or by any county, city, town, village or other civil division of the state, or by any contractor or subcontractor performing work, labor or services for the state, or for any county, city, town, village or other civil division thereof.

Art. 12, § 2. All cities are classified according to the latest state enumeration, as from time to time made, as follows: The first class includes all cities having a population of one hundred and seventy-five thousand or more; the second class, all cities having a population of fifty thousand and less than one hundred and seventy-five thousand; the third class, all other cities. [Laws relating to the property, affairs [of] or government of cities, and the several departments thereof, are divided into general and special city laws; general city laws are those which relate to all the cities of one or more classes; special city laws are those which relate to a single city, or to less than all the cities of a class. Special city laws shall not be passed except in conformity with

the provisions of this section. After any bill for a special city law relating to a city, has been passed by both branches of the legislature, the house in which it originated shall immediately transmit a certified copy thereof to the mayor of such city, and within fifteen days thereafter the mayor shall return such bill to the house from which it was sent, or if the session of the legislature at which such bill was passed has terminated, to the governor, with the mayor's certificate thereon, stating whether the city has or has not accepted the same. In every city of the first class, the mayor, and in every other city, the mayor and the legislative body thereof concurrently shall act for such city as to such bills, but the legislature may provide for the concurrence of the legislative body in cities of the first class. The legislature shall provide for a public notice and opportunity for a public hearing concerning any such bill in every city to which it relates, before action thereon. Such a bill, if it relates to more than one city, shall be transmitted to the mayor of each city to which it relates, and shall not be deemed accepted unless accepted as herein provided, by every such city. Whenever any such bill is accepted as herein provided, it shall be subject, as are other bills, to the action of the governor. Whenever during the session at which it was passed any such bill is returned without the acceptance of the city or cities to which it relates, or within such fifteen days is not returned, it may nevertheless again be passed by both branches of the legislature, and it shall then be subject as are other bills, to the action of the governor. In every special city law which has been accepted by the city or cities to which it relates, the title shall be followed by the words "accepted by the city," or "cities," as the case may be; in every such law which is passed without such acceptance, by the words "passed without the acceptance of the city," or "cities," as the case may be.】

Art. 12, § 3. All elections of city officers, including supervisors and judicial officers of inferior local courts, elected in any city or part of a city and of county officers elected in the counties of New York and Kings, and in all counties whose boundaries are the same as those of a city, except to fill vacancies, shall be held on the Tuesday succeeding the first Monday in November in an odd-numbered year, and the term of every such officer shall expire at the end of an odd-numbered year. The terms of office of all such officers elected before the first day of January, one thou-

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sand eight hundred and ninety-five, whose successors have not then been elected, which under existing laws would expire with an even-numbered year, or in [an] odd-numbered year and before the end thereof, are extended to and including the last day of December next following the time when such terms would otherwise expire; the terms of office of all such officers, which under existing laws would expire in an even-numbered year, and before the end thereof, are abridged so as to expire at the end of the preceding year. This section shall not apply [to any city of the third class, or] to elections of any judicial officer, except judges and justices of inferior local courts.

1910. S. No. 1671 (Int. 947).

S. J. 763, 1766.

Art. 12, § 1. It shall be the duty of the legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debt by such municipal corporations[;], *by the passage of general laws applicable alike to all cities or to all incorporated villages, and the legislature shall not pass any special or local bill affecting the municipal government of a city or incorporated village. Nor shall the legislature provide for the filling of any municipal office now existing, or hereafter to be created, other than by an election by the electors within such municipality, or by appointment by a duly elected officer of such municipality. The people of every city and incorporated village shall have the power to organize their own municipal government and to administer the same for municipal purposes, subject only to such general laws as the legislature may enact. But every existing law affecting the municipal government of a city or incorporated village shall remain in full force and effect until a bill to amend or repeal such law shall have been submitted to the people of the city or incorporated village affected by such law, at a general election, and shall have been voted for by a majority of the qualified electors of such city or incorporated village voting at such election. And the legislature shall pass a general law providing for the organization of their municipal governments by the people of all cities and incorporated villages, and for the preparation and adoption by the municipal authorities of cities or*

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incorporated villages of bills for new municipal laws, and bills for the amending or repeal of such existing laws, and for the submission of such bills to the people of the cities or villages to be affected thereby, at general elections, for the approval or disapproval of the electors thereof. And the legislature may regulate and fix the wages or salaries, the hours of work or labor, and make provision for the protection, welfare and safety of persons employed by the State or by any county, city, town, village or other civil division of the State, or by any contractor or subcontractor performing work, labor or services for the State, or for any county, city, town, village or other civil division thereof.

Art. 12, § 2. All cities are classified according to the latest state enumeration, as from to time made, as follows: The first class includes all cities having a population of one hundred and seventy-five thousand or more; the second class, all cities having a population of fifty thousand and less than one hundred and seventy-five thousand; the third class, all other cities. [Laws relating to the property, affairs or government of cities, and the several departments thereof, are divided into general and special city laws; general city laws are those which relate to all the cities of one or more classes; special city laws are those which relate to a single city, or to less than all the cities of a class. Special city laws shall not be passed except in conformity with the provisions of this section. After any bill for a special city law, relating to a city, has been passed by both branches of the Legislature, the house in which it originated shall immediately transmit a certified copy thereof to the mayor of such city, and within fifteen days thereafter the mayor shall return such bill to the house from which it was sent, or if the session of the Legislature at which such bill was passed has terminated, to the Governor, with the mayor's certificate thereon, stating whether the city has or has not accepted the same. In every city of the first class, the mayor, and in every other city, the mayor and the legislative body thereof concurrently, shall act for such city as to such bills; but the Legislature may provide for the concurrence of the legislative body in cities of the first class. The Legislature shall provide for a public notice and opportunity for a public hearing concerning any such bill in every city to which it relates, before action thereon. Such a bill, if it relates to more than one city, shall be transmitted to the mayor of each city to which it relates, and shall not be deemed

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accepted unless accepted as herein provided, by every such city: Whenever any such bill is accepted as herein provided, it shall be subject as are other bills, to the action of the Governor. Whenever, during the session at which it was passed, any such bill is returned without the acceptance of the city or cities to which it relates, or within such fifteen days is not returned, it may nevertheless again be passed by both branches of the legislature, and it shall then be subject as are other bills, to the action of the Governor. In every special city law which has been accepted by the city or cities to which it relates, the title shall be followed by the words "accepted by the city," or "cities," as the case may be; in every such law which is passed without such acceptance, by the words "passed without the acceptance of the city," or "cities," as the case may be.]

Art. 12, § 3. All elections of city officers, including supervisors and judicial officers of inferior local courts, elected in any city or part of a city, and of county officers elected in the counties of New York and Kings, and in all counties whose boundaries are the same as those of a city, except to fill vacancies, shall be held on the Tuesday succeeding the first Monday in November in an odd-numbered year, and the term of every such officer shall expire at the end of an odd-numbered year. The terms of office of all such officers elected before the first day of January, one thousand eight hundred and ninety-five, whose successors have not then been elected, which under existing laws would expire with an even-numbered year, or in an odd-numbered year and before the end thereof, are extended to and including the last day of December next following the time when such terms would otherwise expire; the terms of office of all such officers, which under existing laws would expire in an even-numbered year, and before the end thereof, are abridged so as to expire at the end of the preceding year. This section shall not apply [to any city of the third class, or] to elections of any judicial officer, except judges and justices of inferior local courts.

1911. S. No. 203 (Int. 199). To Sec. of State.

S. J. 84, 1746, 2358, 2472.

A. J. 4047, 4178, 4182, 4213.

1913. A. No. 480 (Int. 475).

A. J. 143.

Art. 12, § 1. It shall be the duty of the legislature to provide for the organization of cities and incorporated villages, and to

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restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debt by such municipal corporations; and the legislature may regulate and fix the wages or salaries, the hours of work or labor, and make provision for the protection, welfare, and safety of persons employed by the state or by any county, [city] town, village, or other civil division of the state, or by any contractor or subcontractor performing work, labor or services for the state, or for any county, city, town, village or other civil division thereof.

Art. 12, § 2. All cities are classified according to the latest state enumeration, as from time to time made, as follows: The first class includes all cities having a population of one hundred and seventy-five thousand or more; the second class, all cities having a population of fifty thousand and less than one hundred and seventy-five thousand; the third class, all other cities. All [L]aws relating to the property, affairs or government of cities, and the several departments thereof *are included in the term "city laws" as used in this article* and are divided into general and special city laws; general city laws are those which relate to all the cities of one or more classes; special city laws are those which relate to a single city or to less than all the cities of a class. Special city laws shall not be passed except in conformity with the provisions of this section. After any bill for a special city law, relating to a city, has been passed by both branches of the legislature, the house in which it originated shall immediately transmit a certified copy thereof to the mayor of such city, and within fifteen days thereafter the mayor shall return such bill to the house from which it was sent, or if the session of the legislature at which such bill was passed has terminated, to the governor, with the mayor's certificate thereon, stating whether the city has or has not accepted the same. In every city of the first class, the mayor, and in every other city the mayor and the legislative body thereof concurrently, shall act for such city as to such bill; but the legislature may provide for the concurrence of the legislative body in cities of the first class. The legislature shall provide for a public notice and opportunity for a public hearing concerning any such bill in every city to which it relates, before action thereon. Such a bill, if it relates to more than one city, shall be transmitted to the mayor of each city to which it relates, and shall not be deemed accepted

unless accepted as herein provided, by every such city. Whenever any such bill is accepted as herein provided, it shall be subject, as are other bills, to the action of the governor. Whenever, during the session at which it was passed, any such bill is returned without the acceptance of the city or cities to which it relates, or within such fifteen days is not returned, it may nevertheless again be passed [by both] *with the assent of two-thirds of the members elected to each branch[es]* of the legislature, and it shall then be subject as are other bills, to the action of the governor. In every special city law which has been accepted by the city or cities to which it relates, the title shall be followed by the words "accepted by the city," or "cities," as the case may be; in every such law which is passed without such acceptance, by the words "passed without the acceptance of the city," or "cities," as the case may be.

Art. 12, § 3. (Proposal to add the following new section:) *It shall be the duty of the legislature, within two years after the adoption of this section, to consolidate all general city laws into three statutes, each containing the law relating to all the cities of one class. Thereafter, no general city law shall be enacted, except by repeal or amendment of or addition to one or more of said statutes. Every city law not enacted in such form shall be a special city law within the meaning of section two of this article. The legislature shall not pass any special city law providing for the incorporation of any city, or fixing the wages or salaries of officers or employees of any city, or appropriating the funds of any city, or relieving or authorizing the relief of any person or persons from any assessment or tax or any part thereof theretofore imposed or assessed by any city, or from any debt, liability or obligation to any city, or creating or abolishing any city office or prescribing the duties thereof.*

Art. 12, § 4. (Proposal to add the following new section:) *The legislature shall, within two years after the adoption of this section, make provision by general city laws whereby any city may draft, adopt and amend its own charter. Such charter shall be drafted by commissioners appointed by designated officer, officers or official body of the city, or by convention of delegates elected by the electors at a special election and by ballot containing no party designations. Such laws shall permit the drafting of such charter to be initiated by petition of electors and a special election held to determine whether such charter shall be drafted and*

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whether the drafting thereof shall be by commissioners or by convention as aforesaid; and shall also provide means whereby in the absence of such petition such charter may be drafted by either of said methods, as the legislature may prescribe, or, in the discretion of the legislature, that the electors may determine which of said methods shall be employed. Such laws shall permit amendments to any such charter to be initiated by the electors, and may, in the discretion of the legislature, also provide for their initiation by designated officer, officers or official body of the city. Such charter or amendments shall be submitted for adoption to vote of the electors, after having been published for a period and in a manner to be fixed by the legislature, but no such period shall be less than three months.

Art. 12, § 5. (Proposal to add the following new section:) *A special city charter adopted or amended as aforesaid shall supersede all existing provisions of any city law which shall be inconsistent therewith, and shall not be subject to amendment or repeal by any city law except pursuant to the provisions of section four of this article.*

Art. 12, § 6. (Proposal to add the following new section:) *Subject to the constitution and laws of this state, every city and village of this state shall have and is hereby granted full power to regulate its own property, affairs and government, and no enumeration of powers contained in any law of this state or in any charter adopted by the voters of such city shall be deemed to limit or restrict the general grant of powers hereby conferred.*

Art. 12, § [3] 7. *All elections of city officers, including supervisors and judicial officers of inferior local courts, elected in any city or part of a city, and if county officers elected in the counties of New York and Kings, and in all counties whose boundaries are the same as those of a city, except to fill vacancies, shall be held on the Tuesday succeeding the first Monday in November in an odd-numbered year, and the term of every such officer shall expire at the end of an odd-numbered year. The terms of office of all such officers elected before the first day of January, 1895, whose successors have not then been elected, which under existing laws would expire with an even-numbered year, or in an odd-numbered year and before the end thereof, are extended to and including the last day of December next following the time when

* Proposed new § 7 is identical with original § 3.

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such terms would otherwise expire; the terms of office of all such officers, which under existing laws would expire in an even-numbered year, and before the end thereof, are abridged so as to expire at the end of the preceding year. This section shall not apply to any city of the third class, or to elections of any judicial officer, except judges and justices of inferior local courts.

1912. S. No. 1512 (Int. 1253).
S. J. 1048.

Art. 12, § 1. (Proposal to substitute the following:) *Each city and each village shall have full power to regulate its own property, affairs and government, subject to this constitution and the laws of the state. No enumeration of powers contained in any law shall be deemed to limit or restrict the general grant of powers hereby conferred.*

Art. 12, ¶§ 2. All cities are classified according to the latest state enumeration, as from time to time made, as follows: The first class includes all cities having a population of one hundred and seventy-five thousand or more; the second class, all cities having a population of fifty thousand and less than one hundred and seventy-five thousand; the third class, all other cities. Laws relating to the property, affairs of government of cities, and the several departments thereof, are divided into general and special city laws; general city laws are those which relate to all the cities of one or more classes; special city laws are those which relate to a single city, or to less than all the cities of a class. Special city laws shall not be passed except in conformity with the provisions of this section. After any bill for a special city law, relating to a city, has been passed by both branches of the legislature, the house in which it originated shall immediately transmit a certified copy thereof to the mayor of such city, and within fifteen days thereafter the mayor shall return such bill to the house from which it was sent, or if the session of the legislature at which such bill was passed has terminated, to the governor, with the mayor's certificate thereon, stating whether the city has or has not accepted the same. In every city of the first class, the mayor, and in every other city, the mayor and the legislative body thereof concurrently, shall act for such city as to such bill; but the legislature may provide for the concurrence of the legislative body in cities of the first class. The legislature shall provide for a public notice and opportunity for a public hearing concerning

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any such bill in every city to which it relates, before action thereon. Such a bill, if it relates to more than one city, shall be transmitted to the mayor of each city, to which it relates, and shall not be deemed accepted unless accepted as herein provided, by every such city. Whenever any such bill is accepted as herein provided, it shall be subject as are other bills, to the action of the governor. Whenever, during the session at which it was passed, any such bill is returned without the acceptance of the city or cities to which it relates, or within such fifteen days is not returned it may nevertheless again be passed by both branches of the legislature, and it shall then be subject as are other bills, to the action of the governor. In every special city law which has been accepted by the city or cities to which it relates, the title shall be followed by the words "accepted by the city" or "cities," as the case may be; in every such law which is passed without such acceptance, by the words "passed without the acceptance of the city," or "cities," as the case may be.]

Art. 12, § 2. (Proposal to substitute the following:) *Each city and each village shall have power to adopt and amend local laws regulating its local affairs and property, the powers, duties, mode of selection, terms of office and compensation of all city or village officers, the transaction of its business, the incurring of its obligations, the acquisition, care and management of its property, including public utilities, and the government and regulation of the conduct of its inhabitants and the protection of their property, safety, health, comfort and general welfare, not inconsistent with the constitution and general laws of the state. Such local laws shall be drafted by commissioners appointed by designated officers or official body of the city or village, or by convention of delegates elected at a special election by means of ballots containing no party designations, or by convention composed partly of commissioners and partly of delegates. The drafting of any such local law may be initiated by petition of electors for a special election to determine whether such local law shall be drafted and whether the drafting shall be by commissioners or by convention. The legislature shall also provide means whereby, in the absence of a petition local laws may be drafted by either method, as the legislature may prescribe, or may direct that the electors may determine which method shall be employed. Amendments to any such local law may be initiated and adopted as herein provided for the initiation and*

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adoption of such local laws. Every such local law or amendment shall be submitted to the electors for adoption, after having been published for a period and in a manner to be prescribed by the legislature, but no such period shall be less than three months. Every local law or amendment thereto so adopted shall supersede all inconsistent provisions of any law other than general laws applying alike to all cities or all villages. The provisions of this article shall not, however, be deemed to restrict the power of the legislature to regulate matters of state concern as distinguished from matters relating to the property, affairs or government of cities or villages. The legislature shall, at its next session after this section shall become part of the constitution, provide by law for carrying into effect the provisions of this section.

Art. 12, § 3. (Proposal to substitute the following:) *The legislature shall not pass any law relating to the property, affairs or government of cities or villages or one or more counties lying wholly within a city, which shall be special or local either in its terms or in its effect, but all laws hereafter passed relating to the property, affairs or government of any city or village or any county lying wholly within a city shall be general laws and shall in terms and in effect apply alike to all cities or to all villages, except that the legislature may grant to one or more cities or villages additional powers not granted to all cities or villages, but no such grant of powers shall go into effect in any city or village until it has been approved by a vote of the electors of such city or village.*

Art. 12, § 4. [1] It shall be the duty of the legislature by such general laws to provide for the organization of cities and incorporated villages, and to restrict their powers of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debt by such municipal corporations and to provide by such a general law for the conditions under which and the method by which villages may incorporate as cities[;]. [and t]The legislature may by such general laws regulate and fix the wages or salaries, the hours of work or labor, and make provision for the protection, welfare and safety of persons employed by the state or by any county, [city] town, village or other civil division of the state, or by any contractor or sub-contractor performing work, labor or services for the state, or for any county, city, town, village or other civil division thereof[.], *excepting that the legislature shall not pass any*

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law regulating the amount of compensation of officers or employees of cities or villages or counties wholly within a city.

Art. 12, § 5 [3]. All elections of city officers, including supervisors and judicial officers of inferior local courts, elected in any city or part of a city, and of county officers elected [in the counties of New York and Kings, and] in all counties *wholly within a city* or whose boundaries are the same as those of a city, except to fill vacancies, shall be held on the Tuesday succeeding the first Monday in November in an odd-numbered year, and the term of every such officer shall expire at the end of an odd-numbered year. [The terms of office of all such officers elected before the first day of January, eighteen hundred and ninety-five, whose successors have not [then] been elected, which under existing laws would expire with an even-numbered year, or in an odd-numbered year and before the end thereof, are extended to and including the last day of December next following the time when such terms would otherwise expire; the terms of office of all such officers, under which the existing laws would expire in an even-numbered year, and before the end thereof, are abridged so as to expire at the end of the preceding year.] This section shall not apply [to any city of the third class or] to elections of any judicial officer, except judges and justices of inferior local courts.

1913. S. No. 1206 (Int. 1060).

S. J. 444.

Art. 12, § 1. (Proposal to substitute the following:) *Each city and each village shall have full power to regulate matters relating to its own property, affairs and government, subject to this constitution and the laws of the state. No enumeration of powers contained in any law shall be deemed to limit or restrict the general grant of powers hereby conferred.*

Art. 12, § 2. (Proposal to substitute the following:) *Each city and each village shall have power to adopt and amend local laws not inconsistent with the constitution and general laws of the State, providing for the exercise of the powers granted by this constitution or by the laws of the State and relating to the local affairs and property of the city or village, the powers, duties, mode of selection, terms of office and compensation of all city or village officers and employees, the transaction of its business, the incurring of its obligations, the acquisition, care and management of its property, including public utilities, and the government and*

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regulation of the conduct of its inhabitants and the protection of the conduct of their property, safety, health, comfort and general welfare. Such local laws and amendments thereto shall be known and designated as "local municipal laws" to distinguish them from local laws passed by the senate and assembly. Such local municipal laws shall be drafted by commissioners appointed by designated officers or official body of the city or village or by convention of delegates elected at a special election by ballots containing no party designations or by convention composed partly of commissioners and partly of delegates. A petition by electors of a city or village, in such number or proportion as shall be prescribed by the legislature, may require the calling of a special election to determine whether a local municipal law shall be drafted, and whether the drafting shall be by commissioners, by a convention of delegates, or by a convention composed partly of commissioners and partly of delegates, and the legislature shall provide by general law for such special elections. The legislature shall also provide means whereby in the absence of any such petition, the drafting of local municipal laws may be required by action of officers or official body of a city or village, and shall prescribe by which of the aforesaid methods such local municipal laws shall after the taking of such action be drafted, or the legislature may direct that the method of drafting be determined by the electors at a special election, or by officers or official body of the city or village. Every local municipal law shall be submitted to the electors of the city or village for adoption after publication for a period and in a manner to be prescribed by general law, but no such period shall be less than three months. Every local municipal law so adopted shall supersede and repeal, so far as the city and village adopting it is concerned, all inconsistent provisions of any law other than general laws applying alike to all cities or to all villages. A local municipal law may delegate to officers or official body of the city or village power to regulate by ordinance, resolution or by-law any matter which may be the subject of a local municipal law; the drafting and adoption of such ordinances, resolutions, or by-laws shall be regulated by law and the provisions of this article regarding the drafting and adoption of local municipal laws shall not be applicable thereto. The legislature shall, at its next session after this section shall become part of the constitution, provide by general law for carrying into effect the provisions of this section.

Art. 12, [§ 2. All cities are classified according to the latest state enumeration, as from time to time made, as follows: The first class includes all cities having a population of one hundred and seventy-five thousand or more; the second class, all cities having a population of fifty thousand and less than one hundred and seventy-five thousand; the third class, all other cities. Laws relating to the property, affairs or government of cities, and the several departments thereof, are divided into general and special city laws; general city laws are those which relate to all the cities of one or more classes; special city laws are those which relate to a single city, or to less than all the cities of a class. Special city laws shall not be passed except in conformity with the provisions of this section. After any bill for a special city law, relating to a city, has been passed by both branches of the legislature, the house in which it originated shall immediately transmit a certified copy thereof to the mayor of such city, and within fifteen days thereafter the mayor shall return such bill to the house from which it was sent, or if the session of the legislature at which such bill was passed has terminated, to the governor, with the mayor's certificate thereon, stating whether the city has or has not accepted the same. In every city of the first class, the mayor, and in every other city, the mayor and the legislative body thereof concurrently, shall act for such city as to such bill; but the legislature may provide for the concurrence of the legislative body in cities of the first class. The legislature shall provide for a public notice and opportunity for a public hearing concerning any such bill in every city to which it relates, before action thereon. Such a bill, if it relates to more than one city shall be transmitted to the mayor of each city to which it relates, and shall not be deemed accepted unless accepted as herein, provided, by every such city. Whenever any such bill is accepted as herein provided, it shall be subject as are other bills, to the action of the governor. Whenever, during the session at which it was passed, any such bill is returned without the acceptance of the city or cities to which it relates, or within such fifteen days is not returned it may nevertheless again be passed by both branches of the legislature, and it shall then be subject as are other bills, to the action of the governor. In every special city law which has been accepted by the city or cities to which it relates, the title shall be followed by the words "accepted by the city" or "cities," as

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the case may be; in every such law which is passed without such acceptance, by the words "passed without the acceptance of the city," or "cities," as the case may be.】

Art. 12, § 3. (Proposal to substitute the following:) *The legislature shall not pass any law relating to the property, affairs or government of cities or villages or one or more counties lying wholly within a city, which shall be special or local either in its terms or in its effect, but all laws hereafter passed relating to the property, affairs or government of any city or village or any county lying wholly within a city shall be general laws and shall in terms and in effect apply alike to all cities or to all villages.*

Art. 12, § [1]4. It shall be the duty of the legislature by such general laws to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debt by such municipal corporations and to provide by such a general law for the conditions under which and the method by which villages may incorporate as cities【;】. 【and t】The legislature may by such general laws regulate and fix the wages or salaries, the hours of work or labor, and make provision for the protection, welfare and safety of persons employed by the state or by any county, 【city,】 town, village or other civil division of the state,* or by any county 【city,】 town, village or other civil division of the state, or by any contractor or sub-contractor performing work, labor or services for the state, or for any county, city, town, village or other civil division thereof【.】, excepting that the legislature shall not pass any law regulating the amount of compensation of officers or employees of cities or village or counties wholly within a city.

Art. 12, § 5. (Proposal to add the following new section:) *The provisions of this article shall not be deemed to restrict the power of the legislature to regulate matters of state concern as distinguished from matters relating to the property, affairs or government of cities or villages.*

Art. 12, § [3]6. All elections of city officers, including supervisors and judicial officers of inferior local courts, elected in any city or part of a city, and of county officers elected 【in the counties of New York and Kings, and】 in all counties wholly within a city or whose boundaries are the same as those of 【a】 the city, except

* So in original.

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to fill vacancies, shall be held on the Tuesday succeeding the first Monday in November in an odd-numbered year, and the term of every such officer shall expire at the end of an odd-numbered year. [The [terms] *term* of office of all such officers elected before the first day of January, eighteen hundred and ninety-five, whose successors have not [then] been elected, which under existing laws would expire with an even-numbered year, or in an odd-numbered year and before the end thereof, are extended to and including the last day of December next following the time when such terms would otherwise expire; the terms of office of all such officers, [which under] *under which* the existing laws would expire in an even-numbered year, and before the end thereof, are abridged so as to expire at the end of the preceding year.] This section shall not apply [to any city of the third class or] to elections of any judicial officer, except judges and justices of inferior local courts.

1914. S. No. 722 (Int. 674). (Same as A. No. 1666.)

S. J. 211.

A. No. 1666 (Int. 827). (Same as S. No. 722.)

A. J. 397.

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PART II

AMENDMENTS ADOPTED AND PROPOSED, 1895-1914

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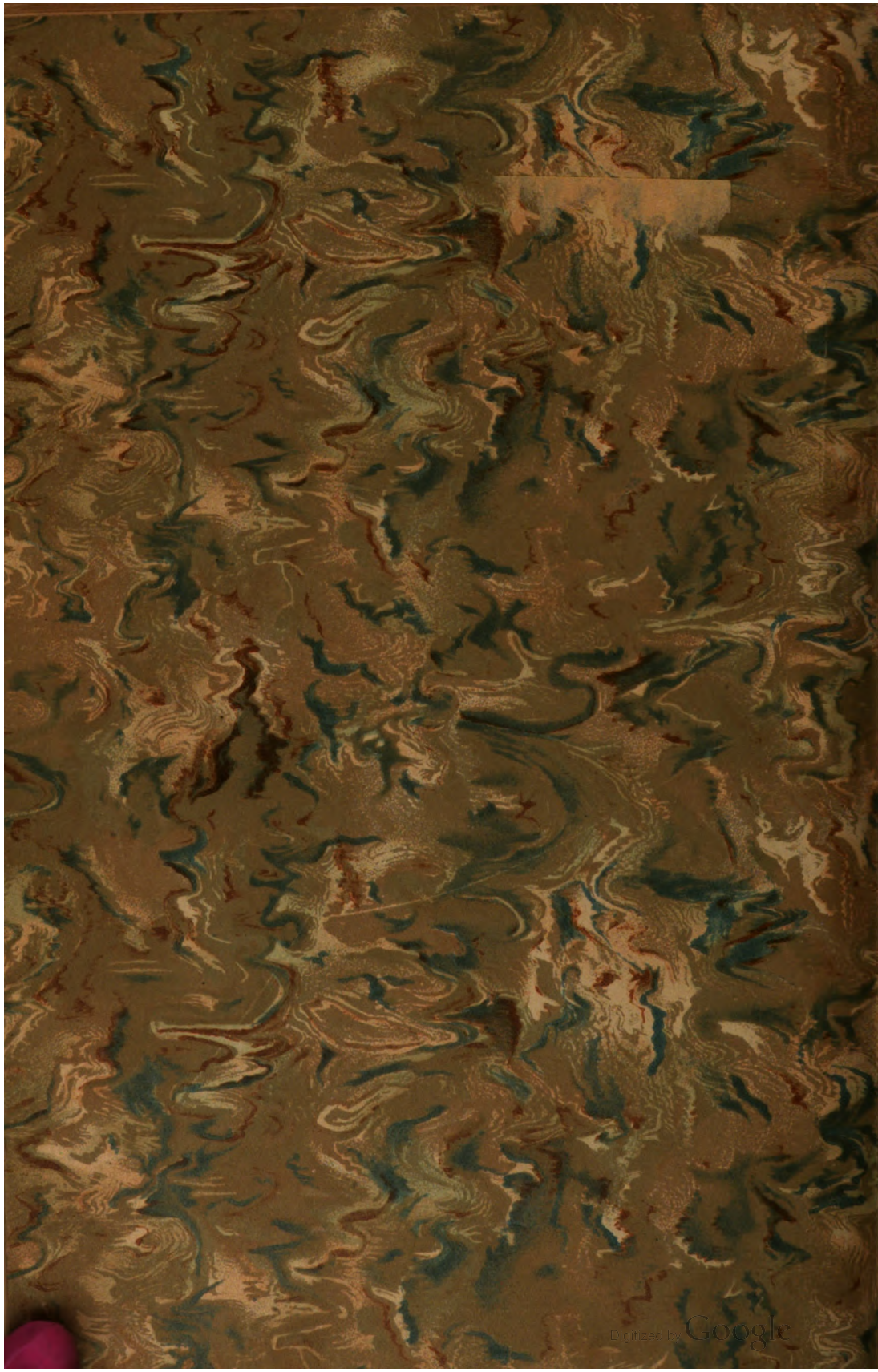
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